



CHAPTER cciv.

An Act for extending the Boundaries of the Borough of Barrow-in-Furness, and for empowering the Corporation to construct additional Waterworks and Gasworks, and for defining and extending the powers of the Corporation in relation to the Management of Streets, the Regulation of Buildings, the Improvement of the Borough, and other matters of Local Government; and for other purposes. A.D. 1875.

[11th August 1875.]

WHEREAS the borough of Barrow-in-Furness, in the county palatine of Lancaster (in this Act called "the borough"), is a municipal borough, created by Royal Charter dated the thirteenth day of June one thousand eight hundred and sixty-seven, and subject to the Acts relating to municipal corporations, and under the government of the mayor, aldermen, and burgesses of the borough (in this Act called "the Corporation"), and the Corporation acting by the council are the urban sanitary authority for the district of the borough:

And whereas by "The Barrow-in-Furness Corporation Act, 1868" (in this Act called "the Act of 1868"), the Corporation was authorised to supply with gas and water the borough as then existing and certain adjacent districts, and to purchase the undertaking of "The Furness Gas and Water Company," and to make new waterworks, and to provide market places, market houses, and slaughter houses, and the council of the borough was thereby constituted the burial board of the borough, and provision was thereby made for defining and extending the powers of the Corporation in relation to the improvement of the borough, and to police and other matters of local government, and for other purposes: 31 & 32 Vict.
c. civ.

And whereas by "The Barrow-in-Furness Corporation Extension and Amendment Act, 1872" (in this Act called "the Act of 1872"), the boundaries of the borough were extended and the borough constituted a separate parish for all civil purposes, and the said charter and the Act of 1868, as modified or repealed by the Act

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A.D. 1875: of 1872, made applicable to the borough as so extended, and further powers, privileges, and authorities with respect to gas and street improvements, and otherwise with reference to the improvement and local government of the borough, were thereby conferred upon the Corporation :

And whereas by "The Barrow-in-Furness Corporation Act, 1873" (in this Act called "the Act of 1873"), further powers were conferred upon the Corporation for the construction of additional waterworks and gasworks, and for the making of new streets, and the raising of money, and for the improvement of the borough, and for other purposes :

And whereas part of the township or division of Yarlside, being a portion of the parish of Dalton-in-Furness, which is not included within the district of the local board for the district of Dalton, in the county palatine of Lancaster, adjoins the borough, and the population thereof is rapidly increasing, and it is expedient that the boundaries of the borough should be extended so as to include such portion of the parish of Dalton-in-Furness as by this Act provided :

And whereas it is expedient that provision be made for dividing the borough into wards, and for defining the names and boundaries of the wards, and for increasing the number of the council of the borough :

And whereas the population of the borough has of late years greatly increased, and is still increasing :

And whereas, in order to enable the Corporation to afford a better and adequate supply of water, it is expedient that further powers be conferred upon them for the construction, maintenance, and management of additional waterworks as by this Act provided :

And whereas by the Act of 1868 the Corporation were authorised to make and maintain certain waterworks, and by the Act of 1873 the powers of the Corporation for the compulsory purchase of lands for the purposes thereof were revived, and the time limited for the completion thereof extended :

And whereas none of the powers of the Act of 1868 and the Act of 1873 respectively, in relation to the making and maintaining of the said waterworks, have been exercised, and those works are not now adapted to meet the requirements of the borough, and it is expedient that the construction thereof should be abandoned as by this Act provided :

And whereas by "The Ulverston Local Board Act, 1874," the Corporation are bound to supply the Ulverston local board with water as therein mentioned, and it is just and expedient that the provisions herein-after contained should be made with respect to the

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supply by the corporation of water to the Ulverston local board, and that provision should be made for the protection of the rights and interests of the Ulverston local board : A.D. 1875.

And whereas it is expedient that the Corporation be empowered to construct additional gasworks :

And whereas it is expedient that the powers of the Corporation in their municipal capacity and as a sanitary authority be in various respects extended, and that better provision be made for the regulation of streets in the borough, and for the control of buildings, and respecting sewers and drains and sanitary arrangements, and respecting police and other matters of local government, and for the improvement and good order and government of the borough, and generally for the execution of the powers and discharge of the duties of the Corporation in their municipal and sanitary capacities, and that the Corporation's former Acts be in divers respects amended :

And whereas by the Act of 1872 (section 35) the Corporation were authorised to do all acts necessary for obtaining the appointment of a stipendiary magistrate for the borough, as if the Corporation were a local board, and as if the borough were not a municipal corporation within the meaning of "The Stipendiary Magistrates Act, 1863 :"

And whereas no appointment of a stipendiary magistrate for the borough has been made :

And whereas the district of the local board for the district of Dalton, in the county palatine of Lancaster (in this Act called "the Dalton local board"), adjoins the borough, and the district of the local board for the district of the town and hamlet of Ulverston, in the same county (in this Act called "the Ulverston local board"), adjoins the district of the Dalton local board :

And whereas it would tend to the more speedy and effectual administration of justice, the better protection of the persons and property of the inhabitants, and the advantage of the public, if provision were made by the authority of Parliament for the appointment of a stipendiary magistrate for the borough, and for the respective districts of the Ulverston and Dalton local boards, or for the borough and one of those districts, and it is expedient that the Corporation and those local boards, or the Corporation and one of such local boards, be empowered to combine to obtain the appointment of a stipendiary magistrate as by this Act provided :

And whereas by a Provisional Order, dated the 1st day of May 1871, and duly confirmed by Parliament, the Poor Law Board directed that from and after the 29th day of September then next

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A.D. 1875. — so much of the parish of Dalton as was therein described should be separated from that parish, and, together with certain other places therein mentioned, should constitute a distinct place under the name of the Borough of Barrow for all civil purposes, and the same now forms the existing borough and the parish of Barrow-in-Furness :

And whereas at the date of the said Provisional Order there was due and owing from the burial board of the parish of Dalton (in this Act called "the Dalton burial board") the sum of three thousand six hundred and twenty-two pounds, being the balance remaining unpaid of the several loans advanced to the Dalton burial board for the purpose of providing a cemetery for the parish of Dalton :

And whereas after the date of the said Provisional Order the Dalton burial board borrowed sums of money amounting in the whole to the sum of 2,500*l.*, in respect of which it was arranged that the Dalton burial board should alone be liable :

And whereas contributions have from time to time been paid out of the rates levied in the existing borough or certain parts thereof towards the instalments and interest payable on the said loans and towards the expenses of the said burial board, and it is expedient that the Corporation be authorised to pay to the Dalton burial board a sum to be by that board applied as by this Act provided, and on such payment being made by the Corporation that all rights and liabilities of the inhabitants and ratepayers of any part of the borough in respect of the cemeteries of the Dalton burial board, and of any debts, obligations, or expenses of the said board, shall cease and be extinguished, and that all rights of the burial board with respect to the borough shall cease and determine :

And whereas it is expedient that further borrowing powers and other powers be conferred on the Corporation as by this Act provided :

And whereas estimates have been prepared by the Corporation for the purchase of land for and for the execution of the various works by this Act authorised, and for the purposes herein-after mentioned, and such estimates are as follows :

	£
For waterworks and water supply	60,000
For gas purposes	60,000
For burial grounds	15,000

And whereas the several works included in such estimates respectively are permanent works within the meaning of section 57 of "The Local Government Act, 1858 :

And whereas the Corporation also require to raise for general purposes the further sum of ten thousand pounds :

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And whereas by the Act of 1873 the Corporation were authorised to apply to the purposes of that Act in connexion with gas the sum of forty-five thousand pounds, which by the Act of 1872 they are authorised to raise and expend for gas purposes : A.D. 1875.

And whereas the Corporation have raised and expended in connexion with gas the sum of twelve thousand pounds, part of the said sum of forty-five thousand pounds :

And whereas the gasworks to be constructed under the powers of this Act are intended to be in lieu of and in substitution for the gasworks authorised to be constructed by the Act of 1873, and the Corporation are desirous and it is expedient that they be authorised to apply to the purposes of the gasworks by this Act authorised so much of the moneys which by the Act of 1873 they are authorised to expend and apply in connexion with gas as now remains unexpended :

And whereas an absolute majority of the whole number of the council, at a meeting held on the 20th day of November 1874, after ten clear days notice by public advertisement of such meeting, and of the purpose thereof, in the "Barrow Herald," a local newspaper published or circulating in the borough, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that it was expedient for the Corporation to promote the Bill for this Act, and that the expense in relation thereto should be charged on the borough fund :

And whereas such resolution was published twice in the "Barrow Herald," a newspaper circulating in the borough, and has in respect of matters within the jurisdiction of the Local Government Board received the approval of that Board, and in respect of other matters the approval of one of Her Majesty's Secretaries of State :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on a day not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough, by resolution in the manner provided in "The Local Government Act, 1858," for the adoption of that Act, consented to the promotion of the Bill for this Act :

And whereas plans and sections showing the lines, situations, and levels of the works by this Act authorised, and plans of the lands to be acquired under the powers of the Act, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of the

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A.D. 1875. — said lands, have been deposited with the clerk of the peace for the county palatine of Lancaster, and are herein-after referred to as the deposited plans, sections, and book of reference :

And whereas the several purposes aforesaid cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

PART I.—PRELIMINARY.

Short title. 1. This Act may be cited as “ *The Barrow-in-Furness Corporation Act, 1875.* ”

Commence-
ment of Act. 2. For the purposes of proceedings preliminary to the municipal elections of November one thousand eight hundred and seventy-five, this Act shall take effect on its passing, and except for those purposes this Act shall commence and take effect from and immediately after the thirty-first day of October one thousand eight hundred and seventy-five (which last-mentioned time is in this Act referred to as the commencement of this Act).

Incorpora-
tion of gene-
ral Acts. 3. “ *The Lands Clauses Consolidation Acts, 1845, 1860, and 1869,* ” and “ *The Waterworks Clauses Acts, 1847 and 1863,* ” and “ *The Gasworks Clauses Act, 1847,* ” (as far as they are applicable for the purposes of and not varied by or inconsistent with this Act,) are hereby incorporated with this Act : Provided that the provisions of “ *The Waterworks Clauses Act, 1847,* ” and “ *The Gasworks Clauses Act, 1847,* ” respectively, with respect to the amount of profit to be received by the undertakers, are not incorporated with, but are excepted from this Act.

Interpreta-
tion. 4. In this Act—
“ *The existing borough* ” means the municipal borough of Barrow-in-Furness as existing at the time of the passing of this Act :
“ *The borough* ” means the municipal borough of Barrow-in-Furness as extended by this Act :
“ *The added part of the borough* ” means the district added to the existing borough by this Act :
“ *The Corporation* ” means the mayor, aldermen, and burgesses of the borough :
“ *The council* ” means the council of the borough :
“ *The town clerk* ” means the town clerk of the borough :

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“The surveyor” means the surveyor of the borough :

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“The Municipal Corporations Acts” mean the Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six, “To provide for the Regulation of Municipal Corporations in England and Wales,” and Acts amending the same, or otherwise relating to municipal corporations in England :

“The Corporation’s former Acts” mean the Act of 1868, the Act of 1872, and the Act of 1873 :

“Owner or occupier,” used without any specific application in provisions relating to supply of water or gas, means the owner or occupier of any building or land to which the Corporation are authorised to supply water or gas (as the case may be) :

“Water fittings” mean communication pipes and other pipes, cocks, cisterns, and other apparatus used or intended for supply of water to a consumer for domestic or other purposes, and for that purpose placed or intended to be placed in or about the building or lands of the consumer :

“New street” means a street in the borough laid out after the thirty-first day of October one thousand eight hundred and seventy-five :

“New house” and “new building” mean respectively a house or building in the borough the erection whereof is begun or completed after the thirty-first day of October one thousand eight hundred and seventy-five :

“Dwelling-house” includes any building in the borough which is intended to be occupied wholly or in part during the day or night as a dwelling-house :

Other words and expressions to which by the Corporation’s former Acts meanings are assigned have in this Act the same respective meanings :

Terms to which meanings are assigned in enactments incorporated with this Act, or which have therein special meanings, have in this Act the same respective meanings, and in this Act and (for the purposes of this Act) in enactments incorporated with this Act the term “court of competent jurisdiction” shall have effect as if the debt or demand with respect to which it is used was a simple contract debt, and not a debt or demand created by statute; and the term “superior courts” shall include any court of competent jurisdiction.

5. This Act shall, except where otherwise expressed or implied, apply to and be put in force exclusively within the borough.

Limits of
Act.

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Act to be
executed by
council.

6. This Act shall be carried into execution by the Corporation acting by the council, and according to the "Municipal Corporations Acts" and other laws for the time being affecting the Corporation, and with all the rights, powers, privileges, and authorities conferred by those Acts and laws on the Corporation, and on the council and committees of the council, and the officers, agents, and servants of the Corporation, with respect to matters provided for by or comprised in the "Municipal Corporations Acts," and as nearly as may be in all respects as if the powers, duties, and property vested in, imposed on, or enjoyed by the Corporation by or under this Act were vested in, imposed on, or enjoyed by them by or under the "Municipal Corporations Acts."

Appointment
of commit-
tees by
council.

7. The council from time to time may appoint out of their own body such and so many committees, consisting of such number of persons as they think fit, for the execution of any of the purposes of the Corporation's former Acts and this Act, which, in the opinion of the council, would be better regulated and managed by means of such a committee, and may delegate to any such committee such of the powers and duties of the Corporation in relation to the purposes aforesaid as they think fit, and the acts and proceedings of every such committee within the limits of such delegation shall be deemed to be acts and proceedings of the council, and the acts of every such committee shall, if required by the council, but not otherwise, be submitted to the council for their approval, and the quorum of any such committee shall be such as the council direct, and the council may from time to time make such regulations as they think fit for the guidance of any such committee, and may from time to time remove any members of any such committee, and appoint in the stead of them, or any of them, other members of the council.

PART II.—EXTENSION OF BOROUGH.

Extension of
borough.

8. The municipal borough of Barrow-in-Furness, and the district of the Corporation as the urban sanitary authority, shall extend to and include the existing borough, and that part of the township or division of Yarlside, in the parish of Dalton-in-Furness, which is shown upon a plan signed in duplicate by Sir John St. Aubyn, the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, and thereon distinguished by a red colour, one copy of which plan has been deposited in the Private Bill Office of the House of Commons, and the other copy whereof shall, within one month after the passing of this Act, be deposited with the clerk of the peace for the county palatine of Lancaster, and the provisions of the Act passed in the first year of the reign of

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Her present Majesty, chapter 83, shall apply to such last-mentioned copy, as if the same were a plan required by the standing orders of Parliament to be deposited with the said clerk of the peace. A.D. 1875.

9. All the clauses and provisions of the said charter and of the Corporation's former Acts, so far as applicable, and except in so far as the same are hereby modified or repealed, shall extend and be applicable to the borough in like manner as prior to the passing of this Act they were applicable to the existing borough. Extension of charter and Corporation's former Acts to extended borough.

10. The jurisdictions, powers, duties, and liabilities of all officers of the existing borough shall extend and be applicable to and exercisable within the borough. Jurisdiction of officers, &c. extended to the borough.

11. The borough shall constitute a separate and distinct parish, under the name of the Parish of Barrow-in-Furness, for all purposes connected with the relief of the poor, the making and collection of all parliamentary and parochial rates, taxes, impositions, and assessments, and for all other civil parochial purposes whatsoever, and the provisions of section 8 of the Act of 1872, constituting the existing borough a separate parish, shall, so far as the same are respectively now applicable, extend and be applicable to the parish hereby constituted. Borough continued a separate parish.

12. For the purposes of the Elementary Education Act, 1870, and any Act amending the same, the members of the school board for the existing borough who shall be in office at the date of the commencement of this Act shall be deemed to have been elected for the borough, and, subject to the provisions of "The Elementary Education Act, 1870," and any Act amending the same, that board shall be the school board of the borough, and all byelaws and orders of the school board made before the passing of this Act shall apply to the borough. Extension of school board district.

13. All orders of county justices respecting rates and matters connected therewith made before the commencement of this Act shall be executed, and all arrears of county and county police and highway rates existing at the commencement of this Act shall be collected and recovered in and with respect to the added part of the borough, as if this Act had not been passed. Provision as to rates, &c. in added part of borough.

PART III.—DIVISION INTO WARDS—ELECTION OF COUNCIL, &c.

14. On and from the first day of November one thousand eight hundred and seventy-five, the borough shall be divided into eight wards, the names or distinguishing numbers and boundaries of which shall be fixed and determined by the Local Government Board upon Division of the borough into wards.

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Commis-
sioner to re-
port before
1st Septem-
ber.

15. The commissioner shall commence and proceed with the duties of his appointment with all practicable despatch, and so as to make his report to the Local Government Board before the first day of September one thousand eight hundred and seventy-five. Such report shall be subject to revision by the Local Government Board, who shall make such order therein as they think fit.

Order to be
published.

16. The said order shall be published before the end of September one thousand eight hundred and seventy-five in the "London Gazette," and in a newspaper circulating in the borough, and after such publication the names or numbers and boundaries of the wards, as set forth in such order, shall be the names or numbers and boundaries thereof for all purposes, as if they had been specially set forth in this Act.

Constitution
and number
of the coun-
cil.

17. After the division of the borough into wards the council for the borough shall consist (including a mayor) of eight aldermen and twenty-four councillors, and each of the wards shall return three councillors.

Further
provisions
respecting
constitution
of council.

18. With respect to the constitution of the council of the borough the following further provisions shall have effect; (that is to say,)

- (1.) For the purposes of the burgess list, burgess roll, and other lists to be made after the passing of this Act under the Municipal Corporations Acts, and in relation to the functions and offices of the mayor, town clerk, and revising assessors under those Acts, the added part of the borough shall be deemed to have always been part of the borough:
- (2.) The first election of councillors for each ward shall be held on the first day of November one thousand eight hundred and seventy-five before the mayor, or a person or persons appointed by him for that purpose:
- (3.) Before the first day of November one thousand eight hundred and seventy-five the council shall allocate one of the existing councillors for the time being (other than the four councillors who retire by rotation in November one thousand eight hundred and seventy-five) to each of the eight wards; and every councillor so allocated shall hold his office to which he may be allocated for the same time that he would have held it if this Act had not been passed:

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- (4.) At the election held on the first day of November one thousand eight hundred and seventy-five two councillors shall be elected for each ward, or if on that day by reason of death, resignation, or otherwise there is not in the case of any ward a councillor allocated thereto, then three councillors shall on that day be elected for that ward : A.D. 1875.
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- (5.) The councillor (if any) so allocated to a ward and the councillors so elected for that ward shall be the first councillors for the same :
- (6.) On the ninth day of November one thousand eight hundred and seventy-five the council shall determine the order in which the councillors elected for each ward on the first day of November one thousand eight hundred and seventy-five shall go out of office :
- (7.) On the ninth day of November one thousand eight hundred and seventy-five the council shall elect four additional aldermen, of whom such two as the council then determine shall go out of office in the year one thousand eight hundred and seventy-seven :

And, subject to the provisions of this section, all elections, vacations of office, and rotations shall be governed by the Municipal Corporations Acts.

19. Every commissioner appointed under this Act shall have the same powers with regard to the examination of witnesses and production of documents as an inspector of the Local Government Board under the Public Health Act, 1872, and the costs of every inquiry held by any such commissioners under this Act shall be paid by the Corporation. Powers of commissioners and costs of inquiry.

PART IV.—WATER AND GAS.

20. Subject to the provisions of this Act, the Corporation may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the waterworks and alteration of works herein-after described, with all proper embankments, filtering beds, dams, sluices, cuts, channels, stanks, pipes, tanks, engines, buildings, machinery, and other works and conveniences connected therewith, and may take, collect, divert, impound, and appropriate for the purposes of their waterworks undertaking the waters of Poaka Beck and Rathmoss Beck and their tributaries, and also all such springs, streams, and watercourses as will or can be intercepted by the waterworks, or which may be found in, on, or under any lands held by the Corporation for the purposes of their waterworks undertaking. Power for Corporation to make waterworks.

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The waterworks and alteration of works herein-before referred to and authorised by this Act are,—

- (a.) A reservoir to be situate partly in the township and parish of Pennington, in the county palatine of Lancaster, and partly in the township of Above Town, in the parish of Dalton-in-Furness in the same county, upon the stream or beck called Poaka Beck, near to and at a distance of five chains or thereabouts north of the farmhouse and buildings known as Ewe Dale, otherwise Oudale, and to be constructed partly in certain fields or enclosures belonging or reputed to belong to the Right Honourable Josslyn Francis Baron Muncaster, in the occupation of James Atkinson, numbered respectively 525, 528, 530, 531, 532, 533, and 534 upon the tithe commutation map of the said parish of Pennington, partly in certain other fields or enclosures belonging or reputed to belong to and in the occupation of John Satterthwaite, numbered 542 upon the said tithe commutation map of the parish of Pennington, partly in certain other fields or enclosures within the said township of Above Town and parish of Dalton-in-Furness, belonging or reputed to belong to the Most Noble William Duke of Devonshire, in the occupation of Thomas Lowther, and partly in a certain tract of pasture or moorland known as Mean Moor, within the last-mentioned township and parish :
- (b.) A reservoir to be situate wholly within the parish of Barrow-in-Furness in a certain field in the occupation of John Douglas, and which is numbered E 527 on the tithe commutation map of the said parish of Dalton-in-Furness, and bounded by Cocken Lane on the south, and by the eastern boundary wall of the borough cemetery on the west :
- (c.) An aqueduct, tunnel, conduit, or line of pipes, commencing in the said township and parish of Pennington, from and out of the stream or beck called Rathmoss Beck, at the point where such beck is crossed by the bridge known as Rathmoss Bridge, carrying the public highway leading from Horrace to Harlock over such beck, and terminating in the said township of Above Town and parish of Dalton-in-Furness in a certain cut or watercourse (recently made by the Corporation) at a point fifteen chains or thereabouts (measured along the fence forming the boundary between the said parishes of Pennington and Dalton) southward of

the farmhouse known as Harlock, which aqueduct, tunnel, conduit, or line of pipes will be situate within the said township and parish of Pennington and township of Above Town and parish of Dalton-in-Furness, or one of them :

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- (d.) A conduit or main pipe wholly situate in the township of Hawcoat and parish of Barrow-in-Furness, commencing from and out of the reservoir (b.) herein-before described, and terminating in the existing reservoir belonging to the Corporation, and called or known as the Newbarns Reservoir :
- (e.) A conduit or main pipe wholly situate in the said township of Hawcoat and parish of Barrow-in-Furness, commencing from and out of the reservoir (b.) herein-before described, and terminating by a junction with the main pipe of the Corporation at a point fifteen chains or thereabouts east of the said Newbarns Reservoir :
- (f.) A main pipe wholly situate in the said township and parish of Pennington, commencing from and out of the reservoir of the Corporation authorised by the Act of 1873, and terminating in the existing waterworks of the Ulverston local board, at or near Pennington Mill Dam :
- (g.) An alteration and raising of the level of the embankment of the existing reservoir of the Corporation, situate partly in the said township and parish of Pennington, and partly in the said township of Above Town and parish of Dalton-in-Furness, called or known as the Poaka Beck Reservoir, and an alteration and raising of the level of the embankment of the reservoir authorised by the Act of 1873, and situate in the said township and parish of Pennington.

21. If on the completion of the waterworks by this Act authorised there shall not remain or flow to and through any lands situated below the points where the several streams are proposed to be diverted, which now have or enjoy a frontage thereto, and are watered thereby, such a quantity of water as may be necessary for domestic and agricultural purposes, the Corporation shall, and they are hereby required, whenever it may be practicable so to do, to furnish from time to time and at all times so much water as may be necessary for such purposes, free from all rates, costs, and charges in respect of such water, and to lay down at their own cost all such pipes, conduits, troughs, cisterns, taps, and apparatus as may be requisite for conveying and continuing the same; and in case the same shall not be practicable, then the Corporation shall

Protection of landowners entitled to water for domestic or agricultural purposes.

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pay to the owners and occupiers of such lands full compensation for the loss and injury they may respectively sustain by reason of such diversion of such water: Provided that nothing in this section shall be deemed to oblige the Corporation to furnish thereunder at any time any greater quantity of water than that which, but for the passing of this Act, would have been available from the several streams aforesaid for domestic and agricultural purposes in or on the lands aforesaid: Provided also, that this section shall not apply to any house erected after the passing of this Act.

Limits of lateral deviation.

22. In the construction of the waterworks authorised by this Act the Corporation may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation marked thereon, and beyond such limits to any extent which may be agreed on by the owners, lessees, and occupiers of the lands into and through which such deviation shall be required to be made: Provided always, that the Corporation shall not, in the exercise of the powers of lateral deviation hereby given, make any embankment or wall of either of the reservoirs by this Act authorised of a greater height above the general surface of the ground than that shown on the deposited sections with reference to the corresponding embankment or wall, and three feet in addition thereto.

Limits of vertical deviation.

23. In the construction of the waterworks authorised by this Act, the Corporation may deviate vertically from the levels shown on the deposited sections with reference to the datum line in the case of reservoirs to any extent not exceeding three feet upwards or ten feet downwards, and in the case of other works to any extent not exceeding three feet upwards or seven feet downwards.

Period for completion of waterworks.

24. If the waterworks shown on the deposited plans and authorised by this Act are not completed within ten years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Corporation for executing any work not so completed, or in relation thereto, shall cease to be exercised, except as to any part thereof then completed, but nothing in this section shall restrict the Corporation from extending, enlarging, altering, or removing any of their engines, machinery, mains, or pipes, or improving their supply of water, at any time and from time to time as occasion requires.

Corporation to abandon certain waterworks.

25. The Corporation may and shall abandon and relinquish the construction of the waterworks, reservoirs, conduits, main pipes,

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and the works and conveniences connected therewith, authorised by the Act of 1868. A.D. 1875.

26. For preventing the waste, misuse, or contamination of the water of the Corporation, the Corporation from time to time, with the approval of the Local Government Board, may make such regulations as they think necessary to be observed by persons supplied or applying to be supplied with the water of the Corporation, and may vary or rescind any regulations so made, and by such regulations they may direct the use and prescribe the dimensions, weight, nature, strength, materials, and quality, and the mode of connexion, arrangements, alteration, and repair of any fittings used or to be used, and may require any fittings to be examined or tested prior to or during the use thereof, in such manner as they think necessary, and may interdict, either generally or in any particular case or cases, the future use or application of any fittings, or the continuance of any existing fittings, which are not in accordance with such regulations, or which have not been examined or tested as required by such regulations, and may provide for the granting and rescinding, at the discretion of the Corporation and on such conditions as the Corporation think fit, of licenses to persons to lay or attach fittings and to make connexions with the pipes of the Corporation, or with pipes or fittings connected with the pipes of the Corporation, and may prohibit unlicensed persons from laying or attaching fittings and from making such connexions, and may require persons by whom or on whose premises fittings are laid, attached, connected, or altered to permit the same to be inspected by the officers of the Corporation before the same are covered up, and to give notice to the Corporation before covering up the same, and they shall not be bound to supply or continue to supply water to any person unless such regulations be and continue to be duly observed by him, and in case of the refusal or neglect of any person to observe any of such regulations or any interdict in respect of any existing or other fittings, the Corporation may, after twenty-four hours notice in writing, or in case of emergency without notice, cut off the supply of water to such person, and may, by or under the direction of their duly authorised officer, alter, remove, repair, supply, or replace such fittings, and any expense of such alteration, removal, repair, supply, or replacement shall be repaid to the Corporation by the person to whom or on whose credit the water is supplied, and may be recovered by the Corporation either in like manner as a water rent or as damages for the recovery of which no special provision is made.

Power to
make regula-
tions for
preventing
misuse of
water.

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Power to
make bye-
laws for
preventing
misuse of
water.

27. The Corporation from time to time, with the approval of the Local Government Board, may make, alter, or revoke byelaws for the prevention of trespass upon or injury to their waterworks, streams, reservoirs, aqueducts, and the pipes and apparatus appertaining thereto, and for enforcing special regulations and restrictions during periods of drought or of scarcity, and for preventing waste, misuse, or contamination of water, and unauthorised alterations of or interference with pipes, meters, or fittings, and for securing the examination and testing of fittings, and they may by such byelaws impose penalties for breaches thereof, or for breaches of any regulations made by the Corporation with respect to the supply of water. The maximum penalty which may be imposed by any such byelaw shall be five pounds for every such offence, and two pounds for every day during which a continuing offence is continued, and any such penalty shall be recoverable as damages for the recovery of which no special provision is made, and the justices before whom the same is recovered shall have power to mitigate the same at their discretion.

Power to test
fittings.

28. The Corporation, if they think fit, may undertake the examination, testing, and stamping of fittings, and may provide and do all things necessary for that purpose, and may demand in advance or otherwise a sum not exceeding sixpence in respect of any one article tested and stamped by them.

The amount of any such sum which has not been paid in advance may be recovered as damages for the recovery of which no special provision is made, and the amount of any number or aggregate of such sums payable by one person may be recovered as one sum, and where any fittings are supplied, laid, or attached by the Corporation the charge for testing and stamping the same may be added to and shall be payable and recoverable as part of the cost of such fittings.

Settlement of
disputes as to
fittings.

29. In case of any dispute as to the reasonable conformity of any fitting, or of anything done in relation to a fitting with the regulations prescribed by the Corporation, or with any byelaws made under the provisions of this Act, the dispute shall be determined by two justices of the peace.

Penalty for
misuse of
water.

30. If a person receiving a supply of water for domestic purposes use it or permit it to be used for any other purpose, the Corporation, if they think fit, may refuse to continue to supply any water to such person otherwise than by agreement, according to the provisions of the Act of 1868 relating to the supply of water by agreement.

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31. If any person wilfully, or by culpable negligence, injure any pipes, mains, meters, fittings, or apparatus used in connexion with the supply of water by the Corporation, or knowingly and unlawfully alter the index of any such meter, or knowingly prevent any such meter from duly registering the quantity of water supplied, or by any means knowingly and unlawfully abstract or misuse or wilfully waste the water of the Corporation or abet any offence against this section, he shall forfeit a sum not exceeding ten pounds, and the Corporation may, in addition thereto, recover the amount of any damage sustained by them. The existence of any artificial or irregular and unauthorised means or contrivance for causing any abstraction or misuse of water, or for preventing a meter from duly registering the quantity of water supplied, shall be *prima facie* evidence that the same is knowingly used by the person using the meter or other fitting to which such means or contrivance is applied.

A.D. 1875.
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Protection of
waterworks
and appa-
ratus.

32. The Corporation may from time to time provide and maintain meters and other appliances, at such parts of their mains and pipes as they think fit, for the purpose of ascertaining the quantity of water consumed in any district constituted for the purposes of this section, together with all such chambers, covers, and other things as in the judgment of the Corporation are necessary for that purpose, and the expense thereof shall be paid out of the moneys accruing to the water account.

Power to lay
district
meters.

Districts for the purpose of this section may from time to time be constituted or altered by the Corporation at their discretion by order under their common seal, and with such limits as they think fit throughout the whole or any part of the borough, or of any other place in which they supply water, for any purpose, and any number of districts may be constituted by one order. For the purposes of this section the Corporation shall have all the like powers of opening streets or highways or otherwise which they have for the purpose of laying or repairing water mains or pipes.

33. Where, upon the report of the medical officer of health, the inspector of nuisances, or the surveyor, it appears to the Corporation that within the borough any dwelling-house, or any part of a dwelling-house occupied as a separate tenement or dwelling, is without a proper supply of water, the Corporation may give to the owner or occupier thereof notice in writing requiring him to obtain within fourteen days after the service of the notice the supply, and to do whatever is necessary for the purpose, and if the notice be not complied with the Corporation may do whatever is necessary,

Water supply
on report of
medical offi-
cer, &c.

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A.D. 1875. — and furnish the supply accordingly, and may demand and recover the prescribed rate for the supply as if the owner or occupier had demanded the supply, and had agreed with the Corporation to pay the rate for the same; and the expenses incurred by the Corporation for furnishing the supply shall be recoverable as water rents of undisputed amount are under the Corporation's former Acts recoverable.

Provision as to supply of water to shows, caravans, &c.

34. The Corporation may from time to time appoint such convenient and proper places for the delivery of water for the supply of shows, caravans, booths, tents, or exhibitions for amusement, and such persons to have charge of the supply, as the Corporation think fit, and every person having the charge of any show, caravan, booth, tent, or exhibition, and desirous of being supplied by the Corporation with water, shall be supplied by the Corporation therewith, on payment to the Corporation of one shilling for any quantity of water not exceeding one thousand gallons, and the payment shall in every case be made before the delivery of the water, and if any supply of water be afforded to such persons without the prepayment, the amount payable by them for the supply may be recovered in like manner as water rents of undisputed amount are under the Corporation's former Acts recoverable, and if any such person without making prepayment forcibly or secretly take or procure to be taken, or receive any water of the Corporation, every person so offending shall for every such offence forfeit and pay to the Corporation any sum not exceeding forty shillings.

Repeal of section 75 of Ulverston Local Board Act, 1874.

35. Section 75 of the Ulverston Local Board Act, 1874, is hereby repealed.

Provision as to supplying Ulverston local board with water.

36. The local board for the district of the town and hamlet of Ulverston, in the county of Lancaster, shall be entitled to demand and take, and the Corporation shall supply and deliver to the said local board, at the existing works of the said local board at or near Pennington, or such other works as may from time to time be substituted there, from the reservoirs belonging to the Corporation, namely, the Poaka Beck Reservoir, the reservoir authorised to be constructed under the Corporation Act, 1873, herein called the Pennington Reservoir, and the reservoir by this Act authorised to be constructed, and in priority to the supply by the Corporation of any water from any of such reservoirs, or the streams supplying the same, to any other person, or to any other reservoir or waterwork of the Corporation, or any other person, the following quantities of water; (that is to say,)

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(a.) Any quantity which the local board may from time to time require for the purposes of their waterworks, not exceeding four hundred thousand gallons in any one day, free of all rate, charge, or payment for the same; A.D. 1875.

(b.) Any further quantity which the local board may from time to time require for the like purposes, not exceeding the further quantity of two hundred thousand gallons in any one day:

Any such further quantity shall be paid for by the local board at the rate of threepence for every one thousand gallons required and actually delivered, such payments to be made quarterly on the first day of January, the first day of April, the first day of July, and the first day of October in each year. The water to be supplied as aforesaid shall be supplied at an uniform rate during the twenty-four hours of each day, or during such other time as may be agreed upon from time to time between the local board and the Corporation, or in case they shall be unable to agree, then as the Local Government Board shall from time to time determine.

37. All the provisions of the Ulverston Local Board Act, 1874, (other than those by this Act specially repealed,) relating to the supply and delivery of water by the Corporation to the said local board, shall extend and apply to the said three reservoirs to the same extent, and subject to the same penalties and liabilities on the part of the Corporation in case of failure to supply the said quantities of water from some or one of the said reservoirs, as if the said provisions had been contained and re-enacted in this Act. Provisions of Ulverston Local Board Act, 1874, as to supply and delivery of water to apply to three reservoirs.

38. Except as herein-before mentioned, nothing in this Act contained shall take away, lessen, prejudice, alter, or affect any of the estates, rights, interests, powers, privileges, or authorities of the Ulverston local board under the Ulverston Local Board Act, 1874, or otherwise. Saving rights of Ulverston local board.

39. Subject to the provisions of this Act, the Corporation may from time to time, upon the lands described in the First Schedule to this Act, erect, maintain, alter, enlarge, and improve, or discontinue gasworks, buildings, retorts, gasometers, receivers, cisterns, engines, machinery, and apparatus, and may make and store gas, and may manufacture coke and other refuse and products remaining or obtained from making gas, and from materials used in or produced by the making of gas, and may construct, erect, maintain, and provide such works, buildings, machinery, apparatus, and materials, and do all such things as they deem requisite for those purposes, and may, with reference to the gasworks to be erected Power to make and maintain gasworks.

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A.D. 1875. on the said lands, exercise all the powers expressly or by reference given by the 22nd clause of the Act of 1868, or otherwise given by that Act, with reference to gas, or to such refuse or products as aforesaid, and generally all the clauses and provisions contained in that Act relative to gas, and the refuse and products thereof, shall extend and apply to the gasworks erected and the gas manufactured under this Act: Provided that the Corporation shall not under the powers of this Act, or of the Corporation's former Acts, manufacture gas, or any residual products and matters producible therefrom, except upon the lands described in the first schedule to this Act.

Extending provisions of former Acts to new waterworks and gasworks.

40. Subject to the provisions of this Act, and except as is by this Act otherwise expressly provided, all the clauses and provisions contained in the Corporation's former Acts with reference to waterworks and gasworks, and to the supply of water and gas (as far as they are applicable for the purposes of and are not varied by or inconsistent with this Act), shall extend and apply to the waterworks and gasworks by this Act authorised, and the supply of water and gas therefrom by the Corporation.

Provision as to gas examiners.

41. Any gas examiner appointed under "The Gasworks Clauses Act, 1871," may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority, and the provisions of "The Gasworks Clauses Act, 1871," with reference to testing of gas and to penalties, shall, mutatis mutandis, apply to such testing of pressure.

PART V.—STREETS—BUILDINGS—SEWERS.

Width of new streets.

42. Every new street which in the opinion of the Corporation shall be a main thoroughfare or main approach to the borough shall be laid out and formed at least eighty feet wide, and every other new street which in the opinion of the Corporation shall be a main carriage-road shall be laid out and formed at least sixty feet wide, and every new street not being a main carriage-road not less than forty feet wide, and every new street being a back street not less than twenty feet wide, and the Corporation shall determine in each case what proportion of the width of such street shall be laid out as a carriageway and footway respectively.

Power to prescribe greater width than specified.

43. If the Corporation deem it for the public advantage that any future street shall be made of a greater width than is prescribed by this Act, they may by their order declare that such street shall

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be of the width prescribed in such order, making such amount of compensation to the owner of the land required for such additional width as shall be agreed upon between such owner and the Corporation, or as, in case of difference, shall be determined by arbitration, in the manner provided by the Act of 1873. A.D. 1875.

44. In any case in which an open space shall be left along one or both sides of any street throughout its whole length in front of the houses, or in which any new street shall not be the principal or only approach to dwelling-houses, the Corporation may allow of a reduction of the widths herein specified for such streets, whether carriage-roads or not, as they shall see fit. Modification of width of new streets in certain cases.

45. The width of new streets shall be taken to mean the whole space exclusive of any steps or projections therein, and measured at right angles to the course or direction of such streets. Definition of width of streets.

46. The entrance to every new street at either end thereof shall be the full width of such street, and every such street shall be open from the ground upwards, and every continuation of such street shall be of the full width at least of the street of which it is a continuation. Entrances to and continuation, &c. of new streets.

47. Every new street shall be formed so as to afford the easiest practicable gradients, and so as to form an easy and convenient communication with the other streets or intended streets with which it may be or become in any way connected. Gradients and connexions with adjoining streets.

48. No person shall begin to build in any new street until the whole length and level thereof shall have been defined by posts, or in some other sufficient manner to the reasonable satisfaction of the Corporation, and until the street shall have been laid with a foundation of at least nine inches of stone, slag, gravel, brick, rubbish, or other similar material, and until the side or curbstones have been placed along the intended footway for the whole length of the intended building, such side or curbstone to be laid down in accordance with the line and level thereof approved by the Corporation in manner provided by this Act. No buildings allowed until streets laid out.

49. The Corporation may vary or alter the intended position or direction of any intended new street for the purpose of causing it to communicate in a direct line with any other street adjoining or leading thereto, or for the purpose of making the same communicate therewith at a more convenient level. Every new street shall be formed at such level as the Corporation shall in each case determine. Powers to vary direction, level, &c. of new streets.

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Surveyor to specify depth, &c. of sewers.

50. The proposed level and width of any new street having been approved by the Corporation, the surveyor shall specify the depth and inclination, form, size, materials, and other particulars of the sewers, and their appurtenances, according to which the works for the proper drainage of such street and of the adjoining properties shall be carried out.

Crossings for horses or vehicles over footways.

51. Every person desirous of forming a communication for horses or vehicles across any footpath, so as to afford access to any premises from a street, shall first submit to the Corporation a plan of the proposed communication, showing where it will cut the footpath, and what provision (if any) is made for kerbing and for a paved crossing, and the dimensions and gradients of the necessary works; and such person after having obtained the sanction of the Corporation shall carry out the works at his own expense to the satisfaction of the surveyor, and no person shall drive or permit or cause to be driven any horse or vehicle across any footway unless and until the same has had such communication as aforesaid made and approved by the Corporation.

Approval of mode of construction of streets and sewers.

52. The mode of construction of every new street, and of the sewerage and drainage thereof, also the depth, size, form, and inclination of the sewers and drains for the same, and the materials to be used in construction of such street, sewers, and drains, shall be subject to the approval of the Corporation.

Coal shoots.

53. No coal shoot, area, or cellar grating shall be placed in any new street unless the same be formed of the materials and size and in the manner and be placed in a position approved of by the Corporation.

Levels of new dwelling-houses and construction of cellars.

54. The level of the ground floor of every new dwelling-house shall be at least six inches above the level of the footway, street, or court at the point where the same adjoins such dwelling-house, whether there shall be a cellar to such dwelling-house or not, and the floor of every cellar in every such dwelling-house shall be laid with flags or some other material to be approved of by the Corporation.

Thickness of walls and nature of foundations of new buildings. Materials of external walls.

55. The walls of every new building shall be constructed of such thickness as shall be approved by the Corporation, and the foundations shall rest on solid ground, or upon concrete, or upon other solid substructure.

56. The external and party or side walls of every new building shall be constructed of brick, stone, or other hard and incombustible

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substances, unless the Corporation shall otherwise allow in cases in which it may appear to them that no danger would exist of the spread of fire. And in such cases it shall be lawful for the Corporation to allow the same, either permanently or for a time to be defined, or during their pleasure, and if the same be not allowed permanently the Corporation shall have power to remove such building at any time after the defined period shall have expired, or at their pleasure, as the case may be, and may recover the expenses of such removal from the owner as street expenses are recoverable.

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57. The Corporation shall have control over the materials and workmanship to be employed in all new buildings, and the out-buildings and yards adjoining thereto, and may reject or disapprove of such materials or workmanship if the adoption or continuance of the same is in their opinion likely to prove prejudicial to the stability of such building, or to the health of the inhabitants thereof.

Power to regulate materials and workmanship.

58. Any external or party wall of any new building, the roof or gutter of which shall adjoin any other house or building, shall be carried up above such roof or gutter to form a parapet of not less than twelve inches in height measured at right angles to the slope and above the covering of such roof, or above the highest part of such gutter.

Walls carried through roofs.

59. No joists, beams, or other woodwork fixed in or upon any external or party wall (except beams or bressummers, and storey posts under the same, and frames of doors and windows of shops) shall be brought within four and a half inches at least of the external face of such wall, unless with the previous sanction of the Corporation.

Woodwork in external or party walls.

60. The roof or flat of every new building, and every gutter, dormer, and other work or construction connected therewith, except the doors, door frames, windows, and window frames of such dormer and other construction, shall be formed of or externally covered with incombustible materials, except in special cases when otherwise allowed by the Corporation.

Roofs.

61. The chimneys and flues of every building shall be constructed in such mode and of such materials and dimensions as shall be approved by the Corporation. No timber or woodwork shall be placed within six inches of the inside face of any chimney or flue, and the brickwork or stonework of such chimney or flue shall be properly rendered. No wooden plugs shall be driven nearer than six inches to the inside of any chimney or flue.

Construction of chimneys and flues.

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Hearth-
stones.

62. In every new building every fireplace in any room with a timber floor shall have the hearth or slab of such fireplace bedded on a brick arch, or on bricks or stone, or other incombustible substance, as the Corporation shall in each case determine, which shall be solid for a thickness of four inches at the least beneath the upper surface of such hearth or slab, and such slab shall extend in breadth at least six inches on each side beyond the opening of the fireplace, and shall extend from the back of such opening to a distance of eighteen inches at least in front of the chimney breast.

Openings in
chimneys
and flues.

63. No openings shall be made in any chimney or flue for any purpose, nor shall any pipe be fixed in any building for conveying smoke, heated air, steam, or hot water except in the manner approved by the Corporation.

Buildings
intended for
the residence
of two or
more fami-
lies.

64. Buildings designed for the residence of two or more families on separate floors or flats shall, as regards drainage, ventilation, and all other provisions herein contained, be subject to the approval of the Corporation. There shall be ample means provided for escape in case of fire, as the Corporation may approve. In calculating the ventilation space to be maintained at the rear of such buildings, at least one hundred and fifty superficial feet shall be provided in the yards or courts adjoining the building for each tenement or separate dwelling-house that such building is designed to contain.

Space about
buildings.

65. Every new building erected for the purpose of being used as a dwelling-house shall, subject to the provisions herein-after mentioned, have either entirely at the rear thereof or of some part thereof, or entirely at the side thereof or of some part thereof, an open space adjoining and exclusively belonging thereto, to the extent at least of one hundred and fifty square feet for a building of one or two storeys, free from any erection thereon above the level of the ground, and exclusive of any ground used in common for two or more dwelling-houses, and the distance across every part of so much of such open space as is required to make up one hundred and fifty square feet between every such dwelling-house and the building or property on the opposite side of such open space shall not be less than ten feet. If such dwelling-house be of greater height than two storeys above the level of such open space, the area of such open space to be left shall not be less than one hundred and eighty square feet, and the distance across every part of so much of such open space as is required to make up one hundred and eighty square feet shall not be less than fifteen feet: Provided

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always, that when a stable or cow-house is proposed to be erected within thirty feet of any dwelling-house the Corporation may require an open space to be left as aforesaid equal to twice the area of such stable or cow-house, in addition to the space herein-before provided for dwelling-houses.

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Every new building used or intended to be used as a hotel or common lodging-house shall have, in addition to the ventilation space herein provided for dwelling-houses, an additional area of ten superficial feet for every person that the house is intended to accommodate: Provided always, that the Corporation shall not be entitled under this section to require a greater area in the whole than one thousand superficial feet.

In determining in the case of a dwelling-house of an irregular figure whether the requirement as to the width across the open space to be left be complied with, such open space shall be considered to be at the rear or side respectively of such dwelling-house according as the rear or side or some part of the rear or side thereof presents the greatest length of frontage to such open space: Provided always, that the Corporation shall be at liberty in such cases as they may think fit to waive the requirements aforesaid as to distance across every part of the open space to be left at the rear or side of any dwelling-house, provided that the area of the open space be in no case less than required as aforesaid.

66. In the case of any new building not being a dwelling-house which shall adjoin on one or more sides to any dwelling-house or premises, the Corporation may require all the provisions of this Act in regard to the space about buildings to be complied with.

Provisions as to buildings not dwelling-houses.

67. Whenever any open space has been left belonging to any new building, such space shall never afterwards be built upon without the approval of the Corporation, and whenever any open space has been left belonging to any building erected prior to the thirty-first day of October one thousand eight hundred and seventy-five, such space shall never afterwards be diminished to a clear superficial area less than that required by this Act in reference to new buildings.

Space not to be built upon.

68. In any building to be erected every habitable room, except rooms in the roof, shall be in every part eight feet in height at the least from the floor to the ceiling, and every habitable room in the roof of any such building shall be at the least eight feet in height from the floor to the ceiling throughout, not less than one half the area of such room.

Height of rooms.

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Windows.

69. Every habitable room of the area of two hundred and twenty-five superficial feet of floor space or less shall have at least one window, and the total area of window clear of the sash frame shall be at least one tenth of the area of the floor, and all rooms of greater extent than two hundred and twenty-five superficial feet of floor space shall have a window space clear of the sash frame of at least one twelfth of the area of the floor, and the height of one at least of the windows, measuring from the lower edge of the window frame at the top, shall be not less than seven feet six inches above the floor, and if a sash window the upper half shall be made to open the full width, and if a casement window one half of such window shall be made to open.

Special ven-
tilation of
small rooms.

70. Every habitable room hereafter built of less area than one hundred superficial feet, and without a fireplace, shall be provided with special means of ventilation by air shaft or otherwise, as the Corporation may determine.

Rooms over
privy, &c.

71. No room built before or after the passing of this Act, any portion of which extends immediately over any privy, cesspool, midden, or ashpit, shall be occupied as a dwelling or sleeping room during any portion of the day or night, and if any person shall after the expiration of one month after the passing of this Act occupy or suffer to be occupied as a dwelling or sleeping room any such room, every person so offending shall for every such offence be liable to a penalty not exceeding twenty shillings for every day during which such room continues to be so let or occupied after notice in writing from the Corporation to discontinue such letting or occupation.

Means of in-
gress and
egress in
public build-
ings.

72. Every new building used or intended to be used as a place of public amusement or entertainment, or for holding large numbers of people for any purpose whatsoever, shall be provided with ample and convenient means of ingress and egress respectively, to be approved by the Corporation.

Alteration of
buildings.

73. In case any person shall make any addition to any building erected after the passing of this Act, such addition shall be deemed to be a new building within the meaning of this Act.

Height of
buildings.

74. No building shall, without the approval of the Corporation, be erected on the side of any street which shall exceed in height the distance from the front of such building to the opposite side of such street, nor shall the height of any building erected on the side of any street either before or after the passing of this Act be at any time subsequently increased, without such approval as aforesaid, so

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as to exceed such distance. In determining the height of a building, the measurement shall be taken from the level of the centre of the street immediately opposite the centre of the front of the building up to the top of the parapet or to the eaves of the roof (as the case may be).

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In case of a gable facing the street, the measurement shall be to a point half way between the level of the eaves and the ridge. In the case of a roof which slopes away from the street at any greater angle to the horizon than fifty degrees, the measurement shall be to the ridge of such roof and not to the eaves.

75. All houses and buildings which in the opinion of the Corporation are without sufficient drainage shall be drained in the most effectual manner which may be practicable, and the mode of drainage and all materials intended to be used in the construction of the drainage of buildings shall be subject to the approval of the Corporation.

Drainage.

76. The drains of all houses and buildings shall consist of glazed stoneware or fireclay pipes, or other equally suitable materials, and shall be connected with the sewers in such a manner as the surveyor shall direct. They shall be laid with water-tight joints, and beneath houses they shall be imbedded in, and surrounded with, well-puddled clay; no right-angle junctions, whether vertical or horizontal, shall be formed.

Construction of house drains.

77. Proper ventilation shall be provided in the drainage of every house by such method as shall be approved by the Corporation, and all connexions with drains shall be properly trapped.

Ventilation of house drains.

78. The house drainage shall be so constructed either with additional earthenware pipe drains, or otherwise, as to drain the subsoil of the premises whenever the dampness of the site appears to the Corporation to render this necessary, and all rain water shall be so drained or conveyed from the roofs of buildings by eave spouts and down spouts, such spouts to be carried to the house drain and main sewer in such manner as the Corporation may direct.

Subsoil and rain-water drains.

79. No cesspool shall be allowed except when unavoidable, when it shall be constructed in such situation and in such manner as the Corporation shall direct. It shall in every case be made water-tight. It shall be arched or covered over, and a pipe or shaft for ventilation shall be carried up from it or from the drain communicating with it from the watercloset or privy.

Cesspools.

80. The situation, dimension, materials, and construction of every watercloset, privy, ashpit, and cesspool shall be subject to the

Situation of waterclosets, &c.

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approval of the Corporation; and every watercloset or privy shall have an opening as near to the top as practicable communicating directly with the external air, or shall be otherwise furnished with sufficient means of ventilation, and shall be provided with a water waste preventing cistern of such size and description as the Corporation shall approve.

Exempted
buildings.

81. The following buildings shall be exempted from the operation of the foregoing provisions; (that is to say,) all buildings, not being dwelling-houses, exceeding in extent one hundred and twenty-five thousand cubic feet, wholly in one occupation, and distant at least fifty feet from the nearest street or court, whether public or private, and at least fifty feet from the ground of any adjoining owner.

Buildings
unfit for
human habi-
tation.

82. In any case where it is certified to the Corporation by the officer of health of the district (if any), by the surveyor, by the inspector of nuisances, or by any two qualified medical practitioners, that any building or part of a building is unfit for human habitation, the Corporation may by their order, affixed conspicuously on the building or part of the building, declare that the same is not fit for human habitation, and shall not after a date therein to be specified be inhabited; and any person who, after the date or time mentioned in such order, lets or occupies, or continues to let or occupy, or knowingly suffers to be occupied, such building or part of a building, shall be liable for every such offence to a penalty not exceeding twenty shillings for every day during which the same is let or occupied: Provided always, that if at any time after such order made the Corporation shall be satisfied that such house has become or been rendered fit for human habitation, they may revoke their said order, and the same shall thenceforth cease to operate.

Inspection of
works by
surveyor.

83. The surveyor shall inspect any works or buildings in progress of construction at any reasonable time that he may think fit, or that he may be required to do so by the Corporation, but the person laying out the work, or the builder, shall give two days notice in writing to the surveyor before the commencement of such work, and before any foundations of new buildings or any sewers or drains are covered up, and the like notice shall be given after the works have been completed which may have been required by the surveyor to be done in amendment of any irregularity and before such works shall be covered up.

Notice by
surveyor of
irregularity.

84. If in doing any work, or forming any street, or erecting or altering any building, anything is done contrary to the provisions

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herein-before contained, or anything required by those provisions is omitted to be done, the surveyor may give to the builder or person engaged in doing such work, forming such street, or erecting or altering such building, notice in writing requiring such builder or person within forty-eight hours from the date of such notice to cause anything done contrary to the provisions herein-before contained, or any of them, to be amended, or to do anything required to be done by any of such provisions, but which has been omitted to be done: Provided always, that no such notice shall be given by the surveyor after the expiration of seven days from the receipt of notice by him of the completion of the respective work, street, or building.

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85. Where any new house shall be erected upon land on which no dwelling-house shall have been previously erected, or upon land theretofore used either as garden ground or as a yard, or upon maiden soil, then and in each of such cases the soil must be excavated and removed to the depth of fifteen inches at the least from the floor line, and, if required by the Corporation or the surveyor, a layer of concrete, clinkers, or other proper hard material, of the thickness prescribed by the Corporation or the surveyor, shall be spread thereon and well rammed before the floor is laid; and every new house, and every house which after the passing of this Act is pulled down to or below the ground floor and rebuilt, shall have a course of blue bricks, lead, slate, or other impervious material for a damp course laid immediately above the ground line on each external wall.

Foundations
of new
buildings.

86. No pilaster, plinth, cornice, or other part of any new building, or of any new front, or addition to any existing building, shall project or encroach over any street unless allowed by the Corporation, or beyond the distance (if any) which shall be allowed by the Corporation.

Projections
in streets.

87. No new building shall be occupied as a dwelling-house until the drainage thereof has been made and completed, nor until such house has after examination been certified in writing by the surveyor, inspector of nuisances, officer of health, or a person appointed by the Corporation in that behalf, to be fit for human habitation, but if the surveyor, inspector of nuisances, officer of health, or such person as aforesaid, shall for seven days after notice to him neglect or fail to make such examination, such building may be so occupied. Any person who shall as owner let, or who shall as tenant occupy, any new house before the same is certified, or after the surveyor's certificate has been refused, shall be liable to a penalty for so doing, and also to a continuing penalty as herein-after provided.

Certificate of
fitness for
habitation.

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Penalty.

88. Any person offending against any of the provisions contained in this part of the Act shall, except as otherwise provided in such part, forfeit and pay for every such offence a penalty not exceeding five pounds, and in case of a continuing offence a further penalty not exceeding forty shillings for each day during which such offence shall continue.

Penalty on workmen.

89. If any workman, labourer, servant, or other person employed in or about any new works wilfully, and without the privity or consent of the owner or person causing such work to be done, does anything in or about such works contrary to the provisions herein contained, he shall for each offence incur a penalty not exceeding twenty shillings.

Summary power for repair of streets.

90. In addition to all powers vested in the Corporation, the Corporation may, where a street not being a highway repairable by the public, or any part thereof, is in a dangerous or defective condition, by notice in writing under the hand of the mayor or town clerk, require the owner of any building or land abutting upon such street or such part thereof to repair and amend the portion of such street on which such building or land abuts, up to the centre of such street, within a reasonable time, and in manner to be prescribed by such notice. If any such owner shall neglect to comply with such notice within the time therein appointed, the Corporation may, if they think fit, execute the works, and the expenses incurred by them in so doing shall be paid by such owner, and shall be recoverable from him in the same manner as street expenses are recoverable under the Corporation's former Acts.

Extension of sections 62 and 67 of the Act of 1868.

91. The Corporation may, by any order made by them in pursuance of sections 62 and 67 of the Act of 1868, require the making of house drains, and the proper trapping and ventilating of the same, and the connexion of the same with sewers, and all the provisions of the Act of 1868 with respect to any orders made by the Corporation in pursuance of the said sections 62 and 67 shall be applicable to the making of house drains, and the proper trapping and ventilating of the same, and the connexion of the same with sewers.

Value of existing sewers and streets to be allowed for.

92. In ascertaining the proportion to be paid by any owner of the expenses of freeing from obstruction, sewerage, draining, leveling, paving, or macadamising any street, or any part thereof, or in doing any of such works under an order made in pursuance of sections 62 and 67 of the Act of 1868, the value and efficiency of any such work theretofore done by such owner, or by any preceding owner, shall be taken into consideration, and the Corporation may

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make such allowance as they think fit to any such owner, and the decision of the Corporation in every such case shall be binding and conclusive on all parties.

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93. Where the Corporation cause any new sewer to be constructed in any street in which there is not a sewer, or in which the existing sewer is insufficient, or where the Corporation execute any work for the drainage of dwelling-houses in any street, they may charge the owners of the lands abutting upon such street with the payment of the expenses incurred in the construction of the same, and the expenses of such construction and execution shall be recoverable in like manner in every respect as street expenses are recoverable: Provided always, that where any such sewer shall be larger than is required for the purposes of the drainage of such street, so much only of the expenses as would have been incurred in the construction of a sewer necessary for the purposes of the drainage of such street shall be recoverable from such owners in manner aforesaid.

Corporation may charge owners of lands abutting on street with expenses of new sewers and drains therein.

94. If the footway of any street belonging to or under the management of the Corporation is injured by or in consequence of any excavation on lands adjoining to such footway, the Corporation may repair or replace the footway injured, and all damages and expenses of or arising from such injury and repair or replacement shall be paid to the Corporation by the owner of the lands on which such excavation has been made, and may be recovered by the Corporation as street expenses are recoverable.

Recovery of damages caused to footways by excavations.

95. When any person lays any building materials, rubbish, or other things in any street he shall deposit the same at such place or places only as the surveyor shall approve, and any person offending against this enactment shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such offence shall continue.

Deposit of building materials, &c.

96. Every person who shall intend to make or lay out any new street, whether the same shall be intended to be used as a public way or not, shall give one month's notice to the Corporation of such intention by writing delivered to the surveyor or left at his office, and shall at the same time leave or cause to be left at the said office plans of such intended new street, drawn to a scale of one inch to every forty feet, and a longitudinal section of the street, drawn to a horizontal scale of forty feet to an inch, and to a vertical scale of four feet to an inch, together with a detail cross section of the street, drawn to a scale of four feet to an inch, showing the

Notices, plans, &c. of new streets.

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A.D. 1875. — proposed mode of construction and the materials to be employed. The plan shall show thereon the names of the owners of the land through which such street shall be intended to pass, the proposed name of such intended new street, and its position relatively to the streets adjoining or leading thereto; such plan shall be signed by the person intending to lay out such new street, or by his duly authorised agent.

Levels and inclinations to be shown.

97. The longitudinal section of the street shall show thereon the level of the present surface of the ground above the ordnance survey datum, the level and rate or rates of inclination of the intended street, and the levels and rates of inclinations of the streets with which it will be connected.

Notices, plans, &c. of new buildings.

98. Every person who shall intend to erect, or to excavate for the erection of, any new building, or to alter any existing building, shall give fourteen days notice to the Corporation of such intention, delivered to the surveyor or left at his office, and shall at the same time leave or cause to be left at the said office detail plans and sections of every floor of such intended new building, and drawings of the elevations to a scale either of one inch to every eight feet, or of one inch to every four feet, showing the position, form, and dimensions of the several parts of such building, and of the water-closet, privy, drains, ash-pit, well, and all other appurtenances, and such plans and sections shall be accompanied by a printed form of particulars, which will be supplied by the surveyor, stating the materials of which the building is proposed to be constructed, and of the intended mode of drainage and means of water supply, and also stating whether any and (if any) which apartments in such building are not intended to be let or used for the purpose of sleeping or habitation, and shall distinguish such apartments on the said plan. A block plan shall be left at the same time, drawn to a scale of not less than one inch to every forty feet, showing the position of the buildings and appurtenances of the streets and properties immediately adjoining. The plan shall show also the proposed lines of house drainage, and the size, depth, and inclinations of the drains.

Nature of plans, drawings, &c.

99. All plans and sections submitted to the Corporation for approval shall be in duplicate, and one copy shall be retained by the Corporation. The copy retained by the Corporation shall be drawn either in ink or colour on stout drawing paper, or be traced in ink or colour on tracing cloth.

Penalty of non-compli-

100. If any person begin to make or lay out any new street, or to erect any new building, without giving the notices mentioned in

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the foregoing provisions, or before the expiration of the said period of one month or fourteen days, as the case may be, or if any person shall begin to make or lay out, or proceed with the making or laying out of any new street, or begin or proceed with the erection of any new building which has been disapproved of by the Corporation, or if after the Corporation have approved of any new street or new building, any person shall make any alteration in the whole or in any part of any such new street or new building which the Corporation have so approved, or shall in any respect make or begin to make or proceed with the making of such street or any part thereof, or erect or begin to erect any building or any part thereof, or proceed with the same, contrary to the plan as approved by the Corporation, without the further approval by the Corporation of such alteration first had and obtained, or shall lay out, make, or build upon any street otherwise than in accordance with the level and width, form and directions thereof fixed by the Corporation, or if any person shall omit to do any act or fail to comply with any requirement of the Corporation or surveyor acting respectively under the authority of the foregoing provisions, or of any of them, he shall for each offence be liable to a penalty not exceeding the sum of five pounds, and to a further penalty not exceeding the sum of forty shillings for each day during which such offence shall continue after notice thereof given to him by the Corporation, and the Corporation shall be at liberty to treat every continuance or repetition of any such offence as a fresh offence, and it shall be lawful for the Corporation to proceed in respect thereof as if the same were a fresh offence, whether or not there shall have been any previous conviction.

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 in accordance with
 the foregoing
 provisions.

101. The sanction of the Corporation to any plans for the construction of a new street, or the erection of a new building, or for alterations of or additions to any new building, shall be null and void if the erection of the works so sanctioned shall not have been commenced within one year after such sanction, or if commenced are not forthwith proceeded with.

Period for
 commencement of
 buildings
 after plans
 passed.

PART VI.—SANITARY ARRANGEMENTS.

102. If at any time it appear to the Corporation, on the representation of the medical officer, the inspector of nuisances, or the surveyor, that any building, whether built or rebuilt before or after the passing of this Act, is without a sufficient watercloset, privy, or ashpit, the Corporation may give notice in writing to the owner of such building requiring him within such time as shall be specified in such notice to provide such watercloset or privy or ashpit, as they

Power to enforce
 privy
 accommodation.

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A.D. 1875. shall think fit, and in case of any building in which large numbers of persons of both sexes are employed or lodged, the Corporation may require the owner to provide such number of waterclosets as they may think necessary, and if any such owner makes default in complying with such request after the time specified in such notice, he shall be liable on conviction to a penalty not exceeding ten pounds, and an additional penalty not exceeding forty shillings for every day after the first penalty has been incurred during which such default continues: Provided always, that where a watercloset, privy, or ashpit is previous to the passing of this Act used in common by the inmates and occupiers of two or more buildings, the Corporation may, if they think fit, dispense with the providing of a watercloset, privy, or ashpit for each such building.

Penalty on
injuring a
privy, &c.

103. If any person shall injure or improperly foul any privy, watercloset, ashpit, or ash-place used in common by the occupiers of two or more dwelling-houses, or any tub or receptacle for fæces belonging to or connected with such privy, watercloset, ashpit, or ash-place, he shall for every such offence forfeit and pay a penalty not exceeding twenty shillings.

Penalty for
not keeping
common
stairs clean.

104. If any passage or stair in any building leading to parts thereof separately occupied is not regularly and effectually swept and kept clean, every occupier of a building or part of a building to which access is obtained by means of such passage or stair shall be liable to a penalty not exceeding five shillings for each offence.

Penalty on
sale, &c. of
meat, &c.
unfit for
human food.

105. The medical officer of health, the inspector of nuisances, the inspector of the Corporation markets, or any other person from time to time duly authorised by the Corporation, may at all reasonable times inspect and examine any carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour exposed or offered for sale, or in the course of or on their way to slaughtering, dressing, or preparation for sale in the borough or elsewhere, and in case any such carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour appear to him to be unfit for the food of man, such officer or person may seize the same, and if it appear to a justice that any such carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour is unfit for such food, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed or offered for sale in the borough or used in the borough or elsewhere for such food, and the person to whom such carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour belongs, or in whose custody or under whose control the same

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is found, shall forfeit a sum not exceeding ten pounds for every carcass or piece of meat, fish, flesh, or any poultry or game, or for the parcel of fruit, vegetables, corn, bread, or flour so found. A.D. 1875.

PART VII.—POLICE REGULATIONS.

106. Section 28 of "The Towns Police Clauses Act, 1847," incorporated with the Act of 1868, shall for the purposes of the Corporation's former Acts and this Act be read and have effect as if the following paragraphs were inserted therein; (that is to say,) Extension of section 28 of "Towns Police Clauses Act."

Every person who shall bathe in any place or at any time forbidden by an order of the Corporation (which order the Corporation are hereby authorised to make):

Every person who keeps swine without a license from the Corporation (which license the Corporation are hereby authorised to issue, and from time to time to renew for a period of not more than one year, and to charge a fee for each such license and renewal of not exceeding five shillings a year):

Every person selling, offering, or exposing for sale any coals, slack, culm, cannel, coke, or charcoal of any description in any quantity not exceeding five hundredweight at any house or in any street within the borough, and who shall not carry and have with him proper scales and weights for weighing the same, and who shall fail to produce such scales and weights when required by any police officer or purchaser:

Every person delivering coals, slack, culm, cannel, coke, or charcoal of any description in any quantity at any time in the borough who fails to deliver therewith a ticket truly stating the quantity, quality, and price thereof.

107. The provisions of the Act of 1868, and of "The Towns Police Clauses Act, 1847," incorporated therewith, with respect to hackney carriages, shall extend and be applicable, mutatis mutandis, to all porters carts, ferry boats, and steamers plying for hire within the borough; the words "boatman" and "porter" being substituted for the word "driver" in the case of every boat or steamer and of every porters cart respectively: Provided always, that nothing in this section contained shall confer upon the Corporation any powers or authorities in, over, or with respect to the harbour of Barrow, or with respect to any steamers or vessels of the Furness Railway Company. Provision as to porters carts, ferry boats, &c.

PART VIII.—GENERAL POWERS.

108. The Corporation may from time to time, if they think fit, grant to any person a license to sell or expose for sale from door to door, or in a place (other than a market place or market house, or License for sale out of market.

A.D. 1875. — in his dwelling-house or shop, or in the dwelling-house or shop of the buyer or intended buyer), any article in respect of the sale or exposure for sale whereof in any market place or market house, or in respect of the user of any stall or other convenience for the sale or exposure for sale whereof in any market place or market house any toll, stallage, or rent is leviable by or payable to the Corporation, every such license being granted on such terms and conditions as the Corporation think fit, and to endure for a period not exceeding twelve months, and to be revocable in such cases as the Corporation prescribe; and the Corporation may demand and take for every such license for a period of twelve months any sum not exceeding one pound, which shall be paid by them to the lessee for the time being (if any) of the market for his own use, and if any person does any act for which such a license is authorised without having obtained such license, or does any act in contravention of or omits to do anything required by any license granted to him, he shall be liable on summary conviction to a penalty not exceeding forty shillings for every day on which any such offence is committed by him.

Power to provide weighing machines, &c.

109. The Corporation may from time to time provide such weights and measures, and weighing and measuring apparatus and weighbridges, and weighing machines, buildings, and places for weighing and measuring as they think proper and sufficient for the borough, and the same respectively shall be deemed to be part of the market places of the Corporation, and the Corporation may appoint and employ such and so many persons to attend thereto as they from time to time think fit.

Admission of shows, caravans, &c.

110. The Corporation may, if they think fit, admit into their market or other public places any show, caravan, circus, booth, or exhibition, and may demand and receive such tolls as they think fit in respect thereof, and may make regulations respecting the places where the same shall be allowed to stand, and for insuring order and good conduct in relation thereto, and for enforcing cleanliness and other sanitary arrangements therein, and for preventing exhibitions or amusements of a dangerous, indecent, or improper character, and in case anything is done or omitted in contravention of any such regulation, then, without prejudice to the recovery of any penalty imposed thereby, the Corporation may prevent the opening or keeping open of the show, caravan, circus, booth, or exhibition in respect whereof the offence is committed.

Power to eject tenants from market.

111. If any person holding any stall or standing in any market, or being the owner or agent for the person in actual charge of any show, caravan, circus, booth, or exhibition in any market,

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refuses to deliver up possession or to quit the same after the expiration of his tenancy therein, a justice, on proof of the facts and after the person has been duly summoned, may by warrant authorise a constable to eject such person and to remove such show, caravan, circus, booth, or exhibition from the market, and to deliver up possession of the stall or standing, or of the space of ground in which such show, caravan, circus, booth, or exhibition stood, and any constable may proceed according to the warrant. A.D. 1875.

112. The Corporation may provide and maintain, in such places as they think fit, boards or conveniences for reception of advertisements, placards, and bills to be affixed thereto, and may from time to time make such regulations respecting the use of any such board or convenience as they think fit; and they may make such charges as they think reasonable for the use of any space on any such board or convenience, and if any person uses any such board or convenience without paying the charge payable in respect of the use thereof he shall for every such offence be liable to a penalty not exceeding five pounds, without prejudice to any remedy of the Corporation for the recovery of the charge. Power to provide advertising places.

113. If any fireman employed by the Corporation in the discharge of his duty suffers bodily injury or loss of life, the Corporation may give to him or his widow and children (if any), or any of them, such compensation by way of annuity or otherwise as they think fit. Compensation to firemen.

114. All fines recovered under the Corporation's former Acts or this Act, or under any byelaws made in pursuance thereof respectively, shall be recoverable in a summary manner before two justices, and the moneys arising thereby shall be paid to the treasurer of the borough, and by him carried to the borough fund. Application of penalties.

115. All expenses incurred after the passing of this Act by the Corporation for the repayment whereof the owner of the building or lands in respect whereof the same were incurred is liable, either by reason of any application of the owner or under any agreement with him or under any enactment, shall (with commission not exceeding the rate of five pounds per centum on the amount of such expenses in respect of the cost to the Corporation of the surveying and superintendence of such works), if not paid on demand, be recoverable by the Corporation, with interest thereon from the expiration of one month after such demand at a rate to be determined by the Corporation, not exceeding five pounds per centum per annum, in the same manner as street expenses are recoverable. Recovery of private improvement and other expenses.

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As to service of notices respecting vacant lands.

116. Any notice given by the Corporation under the Corporation's former Acts or this Act, or any byelaws of the Corporation made in pursuance thereof respectively, with reference to vacant lands, may be served, in cases where the parties interested or entitled to such lands cannot after diligent inquiry be found, by being affixed to a board placed upon some conspicuous part of such lands or on some wall or fence standing upon some part of such lands or adjoining thereto.

PART IX.—STIPENDIARY MAGISTRATE.

Power for Corporation and local boards of Ulverston and Dalton to combine to obtain the appointment of a stipendiary magistrate.

117. The Corporation and the Ulverston local board and the Dalton local board, or the Corporation and one of such local boards, from time to time may combine together and may do jointly and severally all acts necessary for obtaining the appointment of a stipendiary magistrate for the borough and for the districts of those local boards, or for the borough and one of those districts, and as if the borough and those districts, or the borough and one of those districts, were a place within the meaning of "The Stipendiary Magistrates Act, 1863," and thereupon that Act shall extend and apply to the borough and those districts, or to the borough and one of those districts, as such a place accordingly; and as regards the Corporation, for the purposes of such appointment and everything consequent thereupon, the borough fund shall be held to be substituted in the said Act for the local improvement rate, and the byelaw or minute to be passed in pursuance of section 3 of the said Act shall be passed by a majority of not less than two thirds of the members of the council of the borough and of the local boards or local board respectively.

The Corporation and the said local boards, or the Corporation and one of such local boards, may agree as to the amount to be contributed by them respectively towards the salary of such stipendiary magistrate, and also towards all expenses consequent on his appointment and the carrying out of the provisions of "The Stipendiary Magistrates Act, 1863," and the sum to be paid quarterly out of the borough fund and local improvement rate by the Corporation and the local boards in pursuance of section 3 of the said Act shall be the amount so agreed to be contributed by them respectively; and the Corporation and the local boards, or one of them (as the case may be), may agree respecting the division of the fees taken by the clerk to the stipendiary magistrate, and all fines, penalties, and forfeitures imposed by the magistrate, which under section 7 of the said Act would be recovered for and adjudged to be paid to the treasurer of a local board, shall be recovered for and adjudged to be paid to the treasurers jointly of the Corporation and the local boards, or one of them (as the case may be), and those bodies may

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agree respecting the division thereof: Provided that, notwithstanding anything in this Act, the provisions of section 35 of the Act of 1872 shall, except as herein-after provided, continue to apply to the Corporation: Provided also, that the powers by this section conferred shall not be exercised in addition to, but if and when exercised shall be in substitution for, the exercise of the powers conferred by the said section 35 of the Act of 1872, and from and after the exercise of the powers by this section conferred the provisions of section 35 of the Act of 1872 shall cease to apply to the Corporation until a vacancy of the office of stipendiary magistrate appointed by virtue of the exercise of the powers of this Act, and so from time to time section 35 of the Act of 1872 shall continue or shall cease to apply to the Corporation as occasion may require.

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118. From and after the appointment of any stipendiary magistrate either under the Act of 1872 or under this Act, the sum of two hundred and twenty-two pounds shall be paid annually out of the borough fund to the treasurer of the county palatine of Lancaster, and shall be by him applied in aid of the county constabulary superannuation fund; and in case the Ulverston local board shall combine with the Corporation, and shall obtain the appointment of such stipendiary magistrate for the district of such local board, the sum of sixty-five pounds shall be paid annually out of the local improvement rate for such district to the said treasurer of the county, to be by him applied in aid of the said superannuation fund; and in case the Dalton local board shall combine with the Corporation, and shall obtain the appointment of such stipendiary magistrate for the district of such local board, the sum of thirty-two pounds shall be paid annually out of the local improvement rate for such district to the said treasurer of the county, to be by him applied in aid of the said superannuation fund: Provided that such payment of two hundred and twenty-two pounds out of the borough fund shall be made so long only as the said borough shall be watched by the county police, and such payments of sixty-five pounds and thirty-two pounds out of the local improvement rates for the districts of the local boards of Ulverston and Dalton respectively shall be made so long only as such districts shall respectively be watched by the county police.

Provisions with respect to payments by the Corporation and the local boards in aid of the county constabulary superannuation fund.

PART X.—PROVISIONS WITH RESPECT TO THE CORPORATION AND THE DALTON BURIAL BOARD.

119. With respect to the Corporation and the Dalton burial board the following provisions shall have effect; (that is to say)

(a.) The Corporation may and shall, out of the moneys which they are by this Act authorised to raise and apply for

Provisions with respect to payments from the parish of Barrow to

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the burial
board of
Dalton.

general purposes, or out of the borough fund, pay to the Dalton burial board the sum of 2,700*l.*, and such payment shall be made within two months after the commencement of this Act :

- (b.) From and after the commencement of this Act all liability of the parish of Barrow-in-Furness with respect to any past or future debts, loans, or expenses of the Dalton burial board, except only any instalment or instalments payable before the commencement of this Act under any certificate or certificates of the Dalton burial board issued before the first day of July one thousand eight hundred and seventy-five, shall absolutely cease and determine ; and all rights of the parishioners or inhabitants of the borough in respect of the Dalton burial board or their cemeteries or property (other than private rights of burial) shall from and after the commencement of this Act in like manner cease and determine :
- (c.) From and after the commencement of this Act all rights, powers, and interests of the Dalton burial board in or in respect to the borough, or in any way connected therewith, shall (save and except their right to the receipt of the said sum of 2,700*l.*) absolutely cease and determine :
- (d.) The receipt of the Dalton burial board under their seal shall be a sufficient discharge to the Corporation for the sum so paid, and the Corporation shall not be bound to see to the application or be answerable for misapplication or non-application thereof :
- (e.) The Dalton burial board may out of the said sum of 2,700*l.* apply any sum not exceeding 500*l.* towards the expenses of the year to end on the twenty-fifth day of March one thousand eight hundred and seventy-six, and they shall apply the residue of the said sum of 2,700*l.* towards the discharge of the principal of their loans outstanding at the passing of this Act.

PART XI.—LANDS.

Power for
Corporation
to take lands.

120. Subject to the provisions of this Act, the Corporation may enter on, take, and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference.

Correction of
errors, omis-
sions, &c.

121. If any omission, misstatement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands, described or intended to be described in the deposited plans or book of reference, the Corporation may apply to

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two justices, not being members of the council, for the correction thereof, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by the proposed correction; and if it appears to such justices that the omission, misstatement, or erroneous description arose from mistake they shall certify the same accordingly, stating the particulars of the omission, misstatement, or erroneous description, and such certificate shall be deposited with the clerk of the peace for Lancashire, and shall be kept by him with the other documents to which it relates, and subject and according to the same enactments and provisions as apply to those other documents, and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Corporation may enter on, take, hold, and use those lands accordingly.

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122. The Corporation may from time to time purchase by agreement any lands in addition to lands which they are authorised to take by compulsion, and may hold the same, not exceeding in the whole at one time five acres.

Power for Corporation to take additional lands by agreement.

123. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Corporation any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Power to take easements, &c. by agreement.

124. The powers of the Corporation for the compulsory purchase of lands under this Act shall not be exercised after the expiration of five years from the passing of this Act.

Period for compulsory purchase of lands.

125. Notwithstanding anything in "The Lands Clauses Consolidation Act, 1845," the Corporation may retain, hold, and use for such time as they think fit, and may from time to time sell, lease, exchange, or otherwise dispose of, in such manner, for such consideration, and on such terms and conditions as they think fit, and in case of sale either in consideration of a gross sum or of an annual rent, or of any payment in any other form, any lands or any interest in any lands vested in them at the passing of this Act or acquired by them under this Act, and may make, execute, and do any deed, act, or thing proper for effectuating any such sale, lease, exchange, or other disposition.

Power to retain, sell, &c. lands.

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Reservation
of water
rights, &c.
on sale.

126. On any sale of lands by the Corporation they may reserve to themselves all or any part of the water rights or other easements belonging thereto, and may also make the sale subject to such reservations accordingly, and may also make any such sale subject to such other reservation, special conditions, restrictions, and provisions with respect to use of water, exercise of noxious trades, or discharge or deposit of manure, sewage, or other impure matter, as they think fit.

Lands in cer-
tain cases
not to be
sold without
consent of
the Treasury.

127. Nothing in this Act shall enable the Corporation to sell, alienate, encumber, or demise for the purposes of this Act, without the approbation of the Commissioners of Her Majesty's Treasury, signified in writing under the hands of any two of them, after due notice in accordance with the Municipal Corporations Acts, any lands which the Corporation could not have sold, alienated, encumbered, or demised without such approbation before the passing of this Act.

PART XII.—BYELAWS.

General
power to
make bye-
laws.

128. In addition to the byelaws which the Corporation are empowered to make under the provisions of the Act of 1868 and of this Act, they may from time to time make any byelaws which they may deem necessary and expedient for the due execution of this Act, and they may in like manner from time to time repeal, alter, or vary any such byelaws, and may from time to time make new byelaws for the like matters: Provided always, that nothing in this Act shall authorise the Corporation to make byelaws repugnant to law or to this Act. The Corporation may by any byelaws impose penalties for offences against the same, not exceeding in respect of any offence five pounds, and not exceeding in respect of any continuing offence a daily penalty of five shillings, so that all byelaws be so framed as to allow of part only of the maximum penalty being inflicted. All byelaws made, altered, or varied after the passing of this Act, under the authority of the Act of 1868 or of this Act, shall be of no effect until approved by the Local Government Board and published in the manner prescribed by the "Municipal Corporations Acts."

Evidence of
byelaws.

129. A printed copy of byelaws purporting to be duly made under the authority of the Act of 1868 or of this Act, and approved and published as aforesaid, and signed by the town clerk, shall be conclusive evidence of the validity of such byelaws.

PART XIII.—BORROWING POWERS.

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130. The Corporation may from time to time, in addition to the sums which by the Corporation's former Acts they were authorised to borrow for the purposes of those Acts, borrow at interest on the security of the borough fund any further sum not exceeding in the whole the sum of one hundred and twelve thousand pounds, and may mortgage the said borough fund to secure repayment of such further sums respectively, with interest accordingly; and all the clauses of the Act of 1868 relating to the borrowing powers of the Corporation, except clause two hundred and twenty-one and section four of clause two hundred and twenty-eight, shall, subject to any provisions contained in this Act which may be inconsistent therewith, extend and be applicable to the borrowing of such further sums respectively as aforesaid.

Borrowing powers.

131. The Corporation shall not, out of the money borrowed by them under this Act, expend more than the respective amounts following in connexion with the following purposes; (namely,)

Limitation as to expenditure of money borrowed.

In connexion with water	-	-	£60,000
In connexion with gas	-	-	27,000
In connexion with burial ground	-	-	15,000
For general purposes	-	-	10,000

Provided that the Corporation may apply to the purposes of this Act in connexion with gas the sum of thirty-three thousand pounds, being the balance remaining unexpended of the sum of forty-five thousand pounds which by the Act of 1873 they are authorised to apply in connexion with gas out of the money authorised to be borrowed by them under the Act of 1872.

132. All moneys borrowed by the Corporation under this Act for the respective purposes aforesaid shall be carried to separate accounts, and shall be applied for the purposes for which they are by this Act authorised to be applied.

Money borrowed to be carried to separate accounts.

133. For enabling the Corporation to substitute a continuing stock for renewable mortgages in the ordinary form, the following provisions shall have effect; (that is to say,)

Power to create debenture stock.

(1.) The Corporation may raise any money which they are by this Act or otherwise authorised to raise by creation and issue, at such times, in such amounts and manner, at such price, on such terms, subject to such conditions, and with such rights and privileges as they think fit, of stock, to be called Barrow-in-Furness Corporation Debenture Stock, bearing a fixed and perpetual interest payable half-

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- yearly or otherwise, and redeemable (at the option of the Corporation) at par at such times and on such conditions as the Corporation declare at the creation thereof :
- (2.) The debenture stock shall have all the incidents of personal estate :
 - (3.) The Corporation shall cause entries of the debenture stock from time to time issued by them to be made in a register, with the names and addresses of the holders and the amounts of their holdings :
 - (4.) The register shall be accessible for inspection at all reasonable times to mortgagees and holders of debenture stock of the Corporation, without charge :
 - (5.) The Corporation shall deliver to each holder of debenture stock a certificate stating the amount held by him :
 - (6.) Debenture stock shall entitle the holder to the rights and powers of a mortgagee of the Corporation under the Corporation's former Acts or this Act with respect to the appointment of a receiver and otherwise for the recovery of the interest on the debenture stock :
 - (7.) The interest of debenture stock issued by the Corporation under this Act shall rank after the interest and principal of all mortgages granted by the Corporation under the Corporation's former Acts, whether such mortgages shall have been granted before or after the passing of this Act, and whether the sums secured by mortgages granted before the passing of this Act shall have been actually advanced before the passing of this Act or not, and shall rank equally with the interest, but before the principal, of all mortgages granted by the Corporation under this Act :
 - (8.) If the certificate of debenture stock to be issued by the Corporation as herein provided shall be endorsed with the declaration set forth in the Second Schedule to this Act, it shall not be necessary for any person or body to inquire whether the moneys mentioned in the certificate are within the borrowing powers of the Corporation, and no such person or body shall be required to see to the application of such moneys, and such declaration shall for all intents and purposes be conclusive as against the Corporation of their power to borrow the moneys mentioned in the certificate referred to in such declaration :
 - (9.) Where a power has before the passing of this Act been or shall hereafter be given to trustees (including in that expression executors, administrators, and any other persons

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holding funds in a fiduciary capacity) to invest trust funds in the mortgages or bonds of a municipal corporation, such power shall, unless the contrary is expressed in the instrument creating the power, be deemed to include a power to invest such funds in the debenture stock of the Corporation, and an investment of trust funds in the debenture stock of the Corporation may be made accordingly.

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134. In order to discharge the principal money borrowed under this Act, the Corporation shall every year appropriate out of the borough fund a sum equal to one seventy-fifth part of the sums borrowed and remaining unpaid for a sinking fund, to be from time to time invested in the purchase of Exchequer bills or other Government securities, and to be increased by accumulation in the way of compound interest or otherwise, until the same is of sufficient amount to pay off the principal debts or some part thereof which the Corporation think ought then to be paid off, at which time the same shall be so applied in paying off such debts.

Providing
for a sinking
fund.

135. The town clerk shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the Court of Queen's Bench.

Annual re-
turn to Local
Government
Board with
respect to
sinking fund.

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Existing mortgages to have priority.

136. All mortgages granted by the Corporation prior to the passing of this Act, and which shall be in force at the time of the passing of this Act, whether to secure sums already advanced or future advances, and all mortgages hereafter granted by the Corporation under the powers of the Corporation's former Acts, shall during the continuance thereof, and as to the rates or property comprised therein, have priority over all mortgages to be granted by virtue of this Act, and notice of such priority shall be endorsed on every mortgage and certificate of debenture stock granted by virtue of this Act.

Priority of mortgages under this Act.

137. All moneys raised by the Corporation on mortgage or by issue of debenture stock under the provisions of this Act shall have priority against the Corporation and their property from time to time over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act, except as provided in the last preceding section: Provided always, that this priority shall not affect any claim against the Corporation in respect of any rentcharge granted or to be granted by them in pursuance of "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation Acts Amendment Act, 1860;" nor shall anything herein-before contained affect any claim for land taken, used, or occupied by the Corporation for the purposes of their works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on them.

Corporation not exempted from indictment.

138. Nothing in this Act contained shall exonerate the Corporation from any indictment, action, or other proceeding for nuisance in the event of any nuisance being caused by them.

Saving general rights of Corporation.

139. Except as is by this Act otherwise expressly provided, nothing in this Act shall take away or abridge any right, power, or authority which the Corporation have or may enjoy under the Municipal Corporations Acts or the Corporation's former Acts, or otherwise independently of this Act.

Corporation not to be exempt from Sanitary Acts.

140. Nothing in this Act contained shall exempt the Corporation from any of the provisions of the Sanitary Acts as defined by "The Public Health Act, 1872."

Expenses of Act.

141. All the costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be borne by the Corporation, and shall be paid by them out of the borough fund, or out of the moneys to be borrowed under the powers of this Act.

