



### CHAPTER cxviii.

An Act to extend the Borough of Preston and to enable the Mayor, Aldermen, and Burgesses thereof to provide a Site for a Public Library and Museum, to make new Streets, Street Improvements, Tramways, and other works; and to make further provision for the Improvement and good Government of the Borough; and for other purposes.

A.D. 1880.

[2nd August 1880.]

**W**HEREAS the borough of Preston, in the county of Lancaster, is a municipal borough subject to the Acts relating to municipal corporations, and the mayor, aldermen, and burgesses of the said borough, acting by the Council, are the urban sanitary authority therefor:

And whereas the following Acts are in force within the said borough; (that is to say,)

The Preston Waterworks Act, 1853;

The Preston Corporation Markets Act, 1861; and

The Preston Improvement Act, 1869;

16 & 17 Vict.  
c. xlviii.  
24 & 25 Vict.  
c. vii.  
32 & 33 Vict.  
c. lxxxvii.

which Acts are in this Act referred to collectively as the former Acts, and each of them separately as an Act of the year in which the same was passed:

And whereas the Corporation are the owners of the water undertaking of the said borough, and under powers contained in the Act of 1853 and the Act of 1869 supply the said borough with water:

And whereas it is expedient that the limits of the said borough be extended so as to include part of the township of Lea, Ashton, Ingol, and Cottam, and parts of the townships of Ribbleson and Grimsargh-with-Brockholes, and that the said parts of the townships included within the said borough be detached from the jurisdiction of the rural sanitary authority of the Preston Union, so that the Corporation be constituted the sole sanitary authority within the extended borough:

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And whereas it is expedient that the boundaries of the existing wards of the said borough be extended :

And whereas Edmund Robert Harris, deceased, by his last will, dated the first day of December one thousand eight hundred and seventy-six, bequeathed his residuary personal estate to the trustees of and appointed by his said will, upon the trusts therein mentioned, for conversion and investment, and directed that the trust fund so created (except as to five thousand pounds, part thereof) should be expended by his said trustees within ten years after his death in the establishing or building and endowing an institution or institutions of public utility, as a remembrance of his father and family in the town and neighbourhood of Preston, upon some site or sites to be obtained by public subscription or otherwise ; and among the institutions indicated by the said testator are a literary and scientific institution and free library :

And whereas it is expedient that the Corporation be empowered to acquire and appropriate certain lands and property in the said borough for the erection thereon of a free library and museum, and that the Corporation be also empowered to fit up, furnish, and maintain the same, and to procure books, periodicals, and newspapers and works of art, industry, and science therefor, and to make regulations for their user and protection :

And whereas it is expedient that the Corporation be empowered to appropriate lands belonging or reputed to belong to them for the erection thereon of an industrial school, and in consideration thereof that certain privileges be conferred on the Corporation with respect to the nomination of the trustees thereof and the admission of children thereto :

And whereas it is expedient that the Corporation be empowered to construct and maintain the new streets and street improvements herein-after mentioned :

And whereas it is expedient that the Corporation be empowered to lay down, construct, and maintain the tramways herein-after described, to be worked by animal, steam, or other power :

And whereas it is expedient that the Corporation be empowered to appropriate lands for and to make public parks and recreation grounds, and to make byelaws and regulations for their user and protection :

And whereas it is expedient that the Corporation be empowered for a limited period, and for the purposes of experiment but not for profit, to manufacture or provide and to supply light within the borough for the purposes in this Act mentioned by means of electricity ; and that all incidental powers for this purpose and for other

[43 & 44 VICT.] *Preston Improvement Act*, 1880. [Ch. cxviii.]

purposes connected therewith (including the supply of heat and motive power) should be conferred on the Corporation: A.D. 1880.

And whereas it is expedient that the Corporation be empowered to regulate the use of traction engines in the borough, and that the Corporation should have the like powers, privileges, and exemptions with respect to highways within the borough as they would enjoy if they were a borough having a separate court of quarter sessions:

And whereas it is expedient that further powers be granted to the Corporation for the borrowing of money, and for the improving and better governing of the borough, and that their former Acts be in divers particulars altered and amended and the powers thereof extended:

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

And whereas estimates have been prepared by the Corporation for the purchase of land for and the execution of the following works by this Act authorised; and such estimates are as follows; (namely,)

For the providing of a site for and the fitting-up and furnishing of the free library and museum, thirty thousand pounds;

For new streets and roads and street improvements, fifty thousand pounds;

For tramways, thirty-five thousand pounds;

For purposes of electric lighting, ten thousand pounds:

And whereas the several works included in such estimates are permanent works within the meaning of the two hundred and thirty-fourth section of the Public Health Act, 1875:

38 & 39 Vict.  
c. 55.

And whereas an absolute majority of the whole number of the Council at a meeting held on the twenty-seventh day of November one thousand eight hundred and seventy-nine, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the *Preston Herald*, a newspaper published or circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting), resolved that the expense in relation to promoting the Bill for this Act should be charged as to one moiety thereof on the borough fund and borough rate of the borough, and as to the other moiety thereof on the general district rate:

And whereas such resolution was published twice in the *Preston Chronicle*, a newspaper circulating in the borough, and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of

A.D. 1880. the Council, at a further special meeting held in pursuance of a similar notice on the twenty-ninth day of January one thousand eight hundred and eighty, being 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 third schedule of the Public Health Act, 1875, consented to the promotion of the Bill for this Act :

And whereas plans and sections describing the lines, situations, and levels of the works authorised by this Act, and plans showing the lands to be acquired under the powers of this 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 lands in the line of those works or within the limits of deviation as defined on the plans, and describing those lands, have been deposited with the clerk of the peace for the county of Lancaster, and are in this Act referred to as the deposited plans, sections, and book of reference :

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 Preston Improvement Act, 1880.

Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 33 & 34 Vict. c. 78. 10 & 11 Vict. c. 65. 10 & 11 Vict. c. 17. 26 & 27 Vict. c. 93. 2. The following Acts or parts of Acts ; (that is to say,) The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 ; Section three (interpretation of terms), section nineteen (local authority may lease or take tolls), and Parts II. and III. of the Tramways Act, 1870 ; The provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners, except section eighty-four ; and The Waterworks Clauses Acts, 1847 and 1863 ; so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act, are hereby incorporated with this Act.

Interpretation of terms. 3. In this Act—  
“The existing borough” means the municipal borough as existing at the passing of this Act ;  
“The added part of the borough” means the area added to the existing borough by this Act ;

- “The borough” means the municipal borough of Preston as extended 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,” “the treasurer,” “the surveyor,” “the medical officer of health,” “the inspector of nuisances,” respectively mean the town clerk, the treasurer, the surveyor, the medical officer of health, and the inspector of nuisances of the borough;
- “The borough fund” and “the borough rate” mean respectively the borough fund and the borough rate of the borough;
- “District fund” and “general district rates” mean respectively the district fund and the general district rates of the borough;
- “Water revenue” means all net moneys received for or in relation to a supply of water other than borrowed moneys and other moneys which ought to be carried to the account of capital;
- “Water rents” includes water rates;
- “Rural sanitary authority” means the rural sanitary authority for the Preston Union;
- “Street” applies to and includes any highway, and any road, public bridge (not being a county bridge), lane, footway, square, court, alley, passage, whether a thoroughfare or not, whether made before or after the commencement of this Act;
- “Street works” means the new streets and street improvements by this Act authorised;
- “Parks” includes public recreation grounds and public walks belonging to the Corporation;
- “Owner” means the person who for the time being receives the rackrent of the lands with reference to which that term is used, whether on his own account, or under or by virtue of any mortgage or charge, or as agent or trustee for any other person, or who would so receive the same if the lands were let at a rackrent, and includes every successive owner from time to time of the lands for any part of the time during which the enactment wherein that term is used operates in relation to such lands;
- “Rackrent” means rent which is not less than two thirds of the full net annual value of the property out of which the rent arises, and the full net annual value shall be taken to be the rent at which the property might reasonably be expected to let from year to year after deducting therefrom all usual tenants rates and taxes and tithe commutation rentcharge (if any), the probable average annual cost of the repairs, insurance, and

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other expenses (if any) necessary to maintain the same in a state to command such rent ;

“Bankruptcy” includes liquidation by arrangement and composition with creditors, and the winding up of an incorporated company, and “bankrupt” includes any person so liquidating or compounding or any such company so winding up ;

“Tramway revenue” means all net rents, rates, tolls, and charges, and moneys (other than borrowed moneys) received for or in relation to the tramways ;

“Sanitary purposes” includes the making and maintaining of streets and highways, private improvements, lighting, scavenging, sewerage, prevention of nuisances, the preservation of the health and the improvement of the borough ;

“Sanitary expenses” means expenses incurred for sanitary purposes ;

“Infectious diseases” means and includes small-pox, cholera, measles, typhus, typhoid, scarlet, relapsing, and puerperal fever, scarlatina, whooping cough, erysipelas, and diphtheria, and such other disease as the Corporation under the provisions and for the purposes of this Act may from time to time declare to be infectious or contagious ;

“Fittings” includes all meters, apparatus, appliances, articles, and things provided for or supplied to any person by the Corporation for or in relation to a supply of light ;

“Daily penalty” means a penalty to accrue for each day any offence shall continue after conviction thereof ;

11 & 12 Vict.  
c. 43.  
42 & 43 Vict.  
c. 49.

“Summary Jurisdiction Acts” means the Summary Jurisdiction Act, 1848, and the Summary Jurisdiction Act, 1879, and any Act amending either of those Acts ;

“Court of summary jurisdiction” means any justice or justices of the peace, stipendiary or other magistrate, or officer by whatever name called, to whom jurisdiction is given by or who is or are authorised to act under the Summary Jurisdiction Acts or any of such Acts ;

“The Public Health Acts” means the Public Health Act, 1875, and any Act amending the same ;

5 & 6 W. 4.  
c. 76.

“The Municipal Corporations Acts” means the Municipal Corporation Act, 1835, and Acts amending the same or otherwise relating to Municipal Corporations in England ;

33 & 34 Vict.  
c. 75.

“The Education Acts” means the Elementary Education Act, 1870, and any Act amending the same ;

“Cart” means any vehicle used for the conveyance of any goods, merchandise, parcels, or chattels ;

“Carriage” means any vehicle used for the conveyance of persons; A.D. 1880.

“Omnibus” means any carriage (other than a tramway car) used for the conveyance of passengers paying separate and distinct fares, and used for the taking up and setting down of passengers upon its route, or for the conveying such passengers to or from any place within the borough, or to or from the borough from or to any place without the same.

In the Commissioners Clauses Act, 1847, for the purposes of this Act:

The expression “the Commissioners” and “the clerk to the Commissioners” respectively mean the Corporation and the town clerk.

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, unless there be something in the subject or context repugnant to such construction, and in this Act and (for the purposes of this Act) in enactments incorporated with this Act:

The expressions “court of competent jurisdiction,” “superior courts,” or any other like expression, shall have effect as if the debt or demand with respect to which the expression is used was a common simple contract debt, and not a debt or demand created by statute, and shall include any court of competent jurisdiction.

## PART II.—EXTENSION OF BOROUGH.

4. The borough shall comprise the district described in the First Schedule to this Act. Extension of borough.

5. That portion of the added part of the borough which is included within the district of the rural sanitary authority for the Preston Union is hereby detached therefrom, and shall henceforth be free from the jurisdiction of and from all rates or contributions to be levied by virtue of any precept issued by that authority. Added part of borough within district of rural sanitary authority detached therefrom.

6. Subject to the provisions of this Act, all the real and personal property at the passing of this Act vested in the existing Corporation or Council, in any capacity, for the benefit of the existing borough are hereby vested in the Corporation, but subject to all debts, liabilities, interests, and obligations affecting the same or any part thereof, or the existing Corporation or Council in respect thereof; and all the powers, rights, privileges, authorities, immunities, and duties of the existing Corporation as a municipal body and of the existing Council, and any committee thereof, and of the existing Authority of Corporation, &c. extended.

A.D. 1880. Corporation acting in the execution of such of the provisions of their former Acts as were at the passing of this Act in force within the existing borough, and of the existing Corporation acting by the Council or any committee thereof as the urban sanitary authority for the district of the existing borough, and of all officers and servants of the existing Corporation, shall extend to and throughout the borough; and all charters, enactments, orders, regulations, and byelaws at the passing of this Act applicable to the existing borough shall, subject to the provisions of this Act, extend and apply to the borough.

Jurisdiction,  
&c. of  
borough  
justices.

7. The jurisdiction, powers, authorities, rights, privileges, and duties of the justices of the peace appointed for the existing borough, and of the clerk to such justices, whether acting in petty sessions or out of sessions or otherwise, and of all constables, officers, and servants of the existing borough, shall extend to and throughout the borough.

Jurisdiction  
of borough  
Court of  
Pleas ex-  
tended.

8. The jurisdiction, powers, authorities, rights, privileges, and duties of the Court of Pleas for the existing borough, and of the recorder, judge, registrar, serjeant-at-mace, officers, and servants of the said court, shall extend to and throughout the borough.

Provisions  
relating to  
school at-  
tendance  
committee.

9. For the purposes of the Education Acts the following provisions shall have effect; (that is to say,)

The members of the school attendance committee for the existing borough who shall be in office at the passing of this Act shall be the school attendance committee for the borough;

All the officers of the school attendance committee for the existing borough shall become the officers of the school attendance committee for the borough;

All byelaws of the school attendance committee for the existing borough shall apply to the borough.

Wards, &c.  
in extended  
borough.

10. The borough shall continue to be divided into six wards having the names and boundaries set forth and described in Part I. of the Second Schedule to this Act, and the regulations in Part II. of the same schedule respecting the number, elections, and rotations of aldermen and councillors and other matters shall have effect; and whereas the making out of the ward lists in alphabetical order in wards comprising more than one parish or township or parts of different parishes or townships is attended with delay and difficulty, therefore, in any ward which comprises more than one parish or township or parts of different parishes or townships, the names of the persons entitled to be placed in such ward lists shall be so placed alphabetically in respect of each of such parishes or townships or parts of such parishes or townships, instead of alphabetically in respect of the whole of such ward.

**11.** Notwithstanding anything in this Act, the provisions of the Municipal Corporation Act, 1859, (relating to the divisions of boroughs and wards,) and of any enactment substituted for or amending the same, shall continue to apply to the borough.

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Saving for  
22 Vict. c. 35.

**12.** The borough plan and ward plan mentioned in the First and Second Schedules to this Act, signed in duplicate by the Right Honourable the Earl of Redesdale, the Chairman of the Committee of the House of Lords, to whom the Bill for this Act was referred, shall within one week after the passing of this Act be deposited in the Parliament Office, and with the town clerk at his office.

Deposit of  
borough and  
ward plans.

**13.** All arrears existing at the passing of this Act of rates leviable within the added part of the borough may be levied and collected as if this Act had not been passed.

Arrears of  
rates.

**14.** With respect to highways (not being turnpike roads) in the hamlet and townships parts of which are within the added part of the borough, the following provisions shall, from and after the passing of this Act, have effect; (that is to say,)

Provisions as  
to highways.

In cases in which a township or a hamlet is divided, and part thereof is and part thereof is not added to the borough, the part added is referred to as "the included part" and the part not so added as "the excluded part":

The highways within the added part of the borough shall be exempt from the jurisdiction of every road authority other than the Corporation:

All lands, houses, and hereditaments within the added part of the borough shall (subject to the provisions of this Act) be exempt from all highway rates to be made in respect of the hamlet, townships, or parishes in which they are respectively situate:

The excluded part shall, for all purposes connected with highways, surveyors of highways, and highway rates, be considered and treated as a township or hamlet (as the case may be) maintaining its own highways:

The net moneys paid or to be paid on account of the last-made highway rate, after deducting therefrom the moneys (if any) expended on the repair of the highways within the included part, shall be apportioned between the excluded part and the borough in the proportion which the rateable value of the excluded part bears to the rateable value of the included part:

If in any year during the period of ten years from the passing of this Act the sum to be raised for highway purposes in the excluded part of the hamlet of Ashton shall exceed the sum which could be produced by a rate thereon of one shilling in the pound, the Corporation shall in such year pay to the surveyors of highways for the said hamlet such sum, not exceeding

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sixty pounds, as shall be requisite to defray the amount of such excess :

The Corporation shall pay to the trustees of the Blackburn and Preston Turnpike Trust, during the continuance thereof, the annual sums of five pounds four shillings and sixpence and seven pounds two shillings and sixpence, being the contribution towards the repairs of the roads of that trust payable by the said townships of Ribbleson and Brockholes, and those townships shall thenceforth be exonerated from such payments :

All arrears of highway rates in any divided township or hamlet shall be levied and collected as if this Act had not been passed, and shall be apportioned between the Corporation and the excluded part of such township or hamlet in like manner as is herein-before provided for the apportionment of net moneys :

All orders of any road authority in force at the passing of this Act may, after the passing thereof, be enforced as to the included part by the Corporation, and as to the excluded part by the road authority by whom such order was made.

County and  
hundred  
bridges.

**15.** The Corporation, and the justices of the peace for the county of Lancaster acting in general or quarter sessions, may, from time to time, enter into and carry into effect a contract or contracts with respect to the control, maintenance, repair, and renewal in perpetuity of all or any of the county and hundred bridges within the borough, and of the approaches to such bridges, to the repair of which the inhabitants of the said county of Lancaster and of the hundred of Amournderness, or either of them, are respectively at present liable, and with respect to the annual or other sums to be contributed by the said inhabitants of the said county and hundred, or either of them respectively, in or towards such purposes or any of them ; and the Corporation are hereby authorised and empowered to undertake the exclusive control, maintenance, repair, and renewal of such bridges and approaches respectively in conformity with any such contract or contracts, and to apply their corporate funds to such purpose.

Limits of  
Act.

**16.** This Act, except where otherwise expressed or implied, shall apply exclusively to the borough.

Act to be  
executed by  
Council.

**17.** Subject to the provisions of this Act, this Act shall be carried into execution by the Corporation acting by the Council, and according to the Municipal Corporations Acts and Public Health Acts respectively, and other Acts for the time being affecting the Corporation as a municipal body or sanitary authority respectively, and with all the rights, powers, privileges, exemptions, and authorities conferred by those Acts respectively 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 before-mentioned Acts respectively, and as nearly as may be in all respects as if the powers, duties, exemptions, 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 those Acts respectively.

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PART III.—PUBLIC LIBRARY AND MUSEUM AND INDUSTRIAL SCHOOL.

18. With respect to the public library and museum, the Corporation may do the following things, and the following provisions shall have effect; (that is to say,) Provisions as to public library and museum.

- (1.) They may appropriate the whole or any portion of any lands belonging to them or to be acquired under the powers of this Act, and situate in the parish of Preston, between Lancaster Road, the market-place, Gin Bow Entry, and Clayton's Court, for the erecting thereon of a public library and museum with all necessary and convenient approaches and conveniences :
- (2.) They may fit up, furnish, and maintain the said public library and museum, and from time to time furnish and provide fuel, lighting, and other similar matters, and may procure and accept gifts of books, newspapers, periodicals, maps, and works of art, industry, and science therefor :
- (3.) They may from time to time appoint, remove, and dismiss salaried officers and servants :
- (4.) They may from time to time hold therein exhibitions of works of art, industry, or science, and make charges for admission thereto :
- (5.) They may accept gifts of money for or in relation to any of the purposes aforesaid :
- (6.) They may from time to time make rules and regulations for all or any the following purposes with respect to the public library and museum ; (that is to say,)

For regulating the days on which the same may be closed, and the days, hours, and conditions of admission or exclusion thereto or therefrom, or to or from any part or parts thereof, and the conduct of the persons admitted ;

For prescribing the conditions of the user of any part thereof and of any of the contents thereof ;

For preventing injury to and for protecting the public library and museum and the contents thereof ;

For fixing the charges for admission to any exhibition held therein ;

For regulating the sale of refreshments therein ;

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(7.) The Corporation and the trustees of the will of the said Edmund Robert Harris may enter into and carry into effect contracts and agreements for and in relation to the erection, fitting up, and maintenance of the public library and museum; but nothing in this section contained shall authorise any application of the funds bequeathed by the said will otherwise than in accordance with the provisions thereof, or of any judgment, decree, or order of the High Court of Justice made in relation thereto.

Industrial school.

19. The Corporation may appropriate any lands for the time being belonging or reputed to belong to them for the erection thereon, or on some part thereof, of an industrial school, with the necessary conveniences and approaches, and upon such terms and conditions as to the nomination of the trustees of such school, and as to the admission of children thereto, on the demand of the Corporation, as they think fit.

#### PART IV.—STREET WORKS.

Power to make works.

20. Subject to the provisions of this Act, the Corporation may, if they think fit, make and maintain in the lines and situations and upon the lands shown on the deposited plans, and described in the deposited books of reference, and according to the levels shown on the deposited sections, the following street works; (that is to say,)

- (1.) A new street, commencing by a junction with the market-place at or near a point about twenty-two feet south of the north-east corner thereof, and terminating by a junction with Lancaster Road at or near a point about twenty-two feet south of the south side of Gin Bow Entry;
- (2.) A new street, commencing by a junction with Old Shambles opposite the north-east buttress of the town hall, and terminating by a junction with Lancaster Road at or near a point about two hundred feet south of the south side of Gin Bow Entry;
- (3.) The widening of Lancaster Road, on the west side thereof, from Gin Bow Entry to Church Street;
- (4.) The widening of Church Street from its junction with Lancaster Road to Old Shambles;
- (5.) All roadways, footways, pavements, piers, arches, gullies, sewers, drains, gutters, works, and conveniences connected with the foregoing works or necessary or ancillary thereto.

Limits of lateral and vertical deviation.

21. In the construction of the street works the Corporation may deviate laterally from the lines thereof, as shown on the deposited plans, to the extent of the limits of lateral deviation indicated

thereon, and beyond those limits with the consent of the persons through whose lands any such deviation is proposed to be made, and where in any road no such limits are shown the boundaries of such road shall be deemed to be such limits, and they may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or three feet downwards. A.D. 1880.

**22.** Subject to the provisions of this Act, and within the limits defined on the deposited plans, the Corporation, in connexion with the street works, or any of them, and for the purposes thereof, may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the said works or improvements, or any of them, and may raise, lower, or alter any vault, arch, cellar, or area under or adjoining any roadway or footway, and may make diversions, widenings, or alterations of lines or levels of any existing streets for the purpose of connecting the same with the said works or improvements, or any of them, or of crossing under or over the same, or any of them, or otherwise: Provided always, that the Corporation shall make to the owners and occupiers of and all other parties interested in any lands or houses injuriously affected by any such interference or alteration full compensation for all damage sustained by them or any of them. Power to make subsidiary works.

**23.** In executing the works by this Act authorised the Corporation may raise, sink, or otherwise alter the position of any sewer, drain, water pipe, or gas pipe belonging to or connected with any building adjoining or near to the site of any such work, and also, (subject, nevertheless, to the provisions of the Telegraph Act, 1878,) any pipe, tube, wire, or apparatus laid down or used for telegraphic or other purposes, and may remove any other obstruction, causing as little detriment and inconvenience as circumstances admit, and making reasonable compensation for damage caused by the execution of the powers of this enactment. Power to alter pipes, &c.  
41 & 42 Vict. c. 76.

**24.** The Corporation may from time to time stop up any street, road, or court, and prevent all persons from passing along and using the same, for any reasonable time during the execution of any work by this Act authorised. Temporary stoppage of streets.

**25.** If the street works shown on the deposited plans, and authorised by this Act, be not completed within fifteen 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 the same, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as is then completed. Period for completion of works.

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Streets dis-  
used vested  
in Corpora-  
tion.

**26.** Where any street or ground abutting on any street, and dedicated to public use, or open to the passage of the public, becomes, in consequence of the execution by the Corporation of any street works shown on the deposited plans and authorised by this Act, no longer required for public use or for approach to any property adjoining the same, the same is hereby vested in the Corporation, freed and discharged from the public use thereof: Provided, that if any land be injuriously affected by such street or ground being so vested in the Corporation, they shall make to the owner and occupier of such land compensation therefor.

Elevation of  
buildings  
fronting  
streets to be  
as Corpora-  
tion approve.

**27.** All buildings from time to time erected in such part of any street shown on the deposited plans as shall have been made, widened, extended, or improved under the powers of this Act, and every building any external wall of which shall be altered to the extent of one half thereof to or towards the front of such part of such street, shall be erected or altered in such line to the street, and in accordance with such elevation fronting to or towards the street, as the Corporation appoint or approve; and if the owner, lessee, or occupier of any building which, on the making of any such new street, or on the widening, extending, or improving of any such street, acquires a frontage to the street, make any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street, every such owner, lessee, or occupier shall make the building, wall, or fence in a line, and the elevation thereof fronting to or towards the street, in accordance with a plan approved by the Corporation.

The Corporation shall pay or tender compensation to the owner or lessee of any building for any loss or damage he may suffer by reason of the setting back or bringing forward of such building.

The provisions of this section shall not, except as regards any building used or occupied exclusively as a dwelling-house, apply to any building belonging to or occupied by a railway company, and used or intended to be used for the purposes of their business as a railway company.

#### PART V.—TRAMWAYS.

Power to  
make tram-  
ways.

**28.** Subject to the provisions of this Act, the Corporation may make, form, lay down, use, and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections, and in all respects in accordance with those plans and sections, with all proper rails, plates, sleepers, junctions, turntables, turnovers, crossings, passing-places, stables, carriage-houses, sheds, works, and conveniences connected therewith. The tramways herein-before referred to and authorised by

this Act will be single lines, except at the passing-places, where they will be double lines, and will be situate wholly in the parish of Preston, in the county of Lancaster, and are those following; (that is to say,)

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Tramway No. 1, 2 miles 5 furlongs and 2·57 chains in length (whereof 2 miles 3 furlongs and 6·57 chains are a single line and 1 furlong and 6 chains are a double line), commencing at the junction of Strand Road with Fishergate Hill, and terminating east of the south-east corner of the Preston Cemetery;

Tramway No. 2, 2 furlongs and 8·51 chains in length (whereof 2 furlongs and 6·51 chains are a single line and 2 chains are a double line), commencing by a junction with Tramway No. 1, and terminating in London Road;

Tramway No. 3, 1 mile 7 furlongs 0·60 chains in length (whereof 1 mile 6 furlongs and 2·60 chains are a single line and 8 chains are a double line), situate in the township of Preston and hamlet of Ashton, in the parish of Preston, commencing in Cheapside, and terminating in Newton Road at the junction therewith of Ashton Long Lane;

Tramway No. 4, 4 furlongs and 6·18 chains in length (whereof 4 furlongs and 4·18 chains are a single line and 2 chains are a double line), commencing by a junction with Tramway No. 3 in Wellington Road, and terminating by a junction with Tramway No. 3 in Fylde Road;

Tramway No. 5 (a junction line), 0·80 chains in length, commencing by a junction with Tramway No. 1, and terminating by a junction with Tramway No. 3 at its commencement;

Tramway No. 6 (a junction line), 0·80 chains in length, commencing by a junction with tramway No. 1, and terminating by a junction with Tramway No. 3 at its commencement;

Tramways Nos. 1A to 1H (both inclusive, and being respectively short passing-places connected with and subsidiary to Tramway No. 1);

Tramway No. 2A (being a short passing-place connected with and subsidiary to Tramway No. 2);

Tramways Nos. 3A, 3B, 3C, and 3D (being respectively short passing-places connected with and subsidiary to Tramway No. 3);

Tramway No. 4A (being a short passing-place connected with and subsidiary to Tramway No. 4).

29. If one half of the total mileage of the tramways (excluding the passing-places) be not completed within two years and six months after the passing of this Act, the powers by this Act granted to the Corporation for constructing the tramways and

Periods for completion of tramways.

A.D. 1880. — otherwise in relation thereto shall cease to be exercised, except as to so much of the tramways as is then completed; and if the whole of the tramways (excluding the passing-places) be not completed within five years from the passing of this Act, the powers by this Act granted to the Corporation for constructing the same and otherwise in relation thereto shall cease to be exercised, except as to so much of the tramways as is then completed.

Inspection  
by Board of  
Trade.

**30.** No tramway or part of a tramway shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

Carriages  
may be  
moved by  
animal,  
steam, or  
mechanical  
power.

**31.** The carriages used on the tramways may, subject to the provisions of this Act, be moved by animal power, and during a period of seven years after the opening of the same for public traffic, and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board, by steam power or any mechanical power: Provided always, that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the Third Schedule to this Act, and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time, as and when they may think fit, for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of steam or any mechanical power on the tramways.

Penalty for  
using steam  
or mechanical  
power con-  
trary to order  
or regula-  
tions.

**32.** The lessees or any company or person using steam or any mechanical power on any of the tramways contrary to the provisions of this Act, or to any of the regulations set forth in the Third Schedule to this Act annexed or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act, shall for every such offence be subject to a penalty not exceeding ten pounds, and also in the case of a continuing offence a daily penalty not exceeding five pounds: Provided always, that whether any such penalty has been recovered or not, the Board of Trade, in case, in their opinion, the lessees or any person using steam or any mechanical power on the tramways under the authority of this Act, have or has made default in complying with the provisions thereof, or with any of the regulations set forth in the said Schedule, or with any regulation which may have been added thereto or substituted therefor as aforesaid, may, by order, direct the lessees or such company or person to cease to exercise

the powers aforesaid, and thereupon the lessees or such company or person shall cease to exercise the powers aforesaid, and shall not again exercise the same, or any of the same, unless with the authority of the Board of Trade; and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order. A.D. 1880.

**33.** Subject to the provisions of this Act, the Board of Trade may from time to time make, and when made may rescind, annul, or add to, byelaws with regard to any of the tramways upon which steam or any mechanical power may be used under the authority of this Act for all or any of the following purposes; (that is to say,) Byelaws as to tramways.

For regulating the use of the bell, whistle, or other warning apparatus fixed to the engine;

For regulating the emission of smoke or steam from engines used on the tramways;

For providing that engines and carriages shall be brought to a stand at the intersection of crossed streets, and at such places, and in such cases of horses being frightened or of impending danger, as the Board of Trade may deem proper for securing safety;

For regulating the entrance to, exit from, and accommodation in the carriages used on the tramways, and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages;

For providing for the due publicity of all regulations and byelaws in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

The provisions of the Tramways Act, 1870, relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway, shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Act, or by any regulation or byelaw made by the Board of Trade under the authority of this Act, at which engines are to be driven or propelled on the tramways under the authority of this Act; but the local authority may, if they think fit, make byelaws under the provisions of the Tramways Act, 1870, for restricting the rate of speed to a lower rate than that so prescribed.

A.D. 1880.

All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board of Trade, and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Act.

Penalty for not maintaining rails and road in good condition.

**34.** The Corporation shall at all times maintain and keep in good condition and repair the rails of which any of the tramways shall for the time being consist; and if the Corporation at any time fail to comply with this provision or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall be subject to a penalty not exceeding five pounds for every day on which such act of omission continues, and such penalty may be recovered as by clause fifty-six of the said Act is provided. In case it is represented in writing to the Board of Trade by the road authority of any road in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of the borough, that the Corporation have made default in complying with the provisions in this section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inspection by an officer to be appointed by the said Board; and if such officer report that the default mentioned in such representation has been proved to his satisfaction, then and in every such case a copy of such report, certified by a secretary or an assistant secretary of the Board of Trade, may be adduced as evidence of such default, and of the liability of the Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

Additional crossings, &c. may be made where necessary.

**35.** The Corporation may from time to time hereafter make all such crossings, passing-places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Act, as may from time to time be necessary or convenient to the efficient working of the tramways or any of them, or for providing access to any stables or carriage sheds or works of the Corporation or their lessees, subject to the approval of the road authority: Provided, that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid shall, by writing under his hand, addressed to the Corporation, express his objection thereto.

Temporary tramways may be made when necessary.

**36.** Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid, it shall, in the opinion of the Corporation, be necessary

or expedient temporarily to remove or discontinue the use of such tramway or any part thereof, the Corporation may from time to time make or construct, in the same or any adjacent road, and may maintain, so long as occasion may require, a temporary tramway or temporary tramways, in lieu of the tramway or part of a tramway so removed or discontinued.

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**37.** Any paving, metalling, material, matters, or substances excavated by the Corporation in the construction of their works from any road under their jurisdiction or control shall absolutely vest in and belong to the Corporation, and may be dealt with, removed, and disposed of by them in such manner as they may think fit; and any paving, metalling, or material excavated by the Corporation in the construction of their works from any road under the jurisdiction or control of any other road authority may be applied by the Corporation, so far as may be necessary, in or towards the reinstating of such road, and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway of such road on either side of such tramways as the Corporation are required to maintain; and the Corporation shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: Provided, that if within seven days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus is not removed by the said surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Corporation, and may be dealt with, removed, and disposed of by them in such manner as they may think fit.

Application of road materials excavated in construction of works.

Any difference between the Corporation and any road authority or surveyor or other person, with reference to any of the matters aforesaid, shall be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the promoters and any road authority.

**38.** The tramways may be used for the purpose of conveying passengers, animals, goods, minerals, and parcels.

Traffic upon tramways.

**39.** The Corporation may, at such times and in such manner as they think fit, but subject to the byelaws for the time being in force with respect to the tramways, use the tramways for the conveyance of scavenging stuff, road metal, and other materials required for the works of the Corporation free of all tolls and charges in respect of such use.

Corporation may use tramways for sanitary purposes, &c.

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Tolls for  
passengers.

40. The lessees may demand and take for every passenger travelling upon any of the tramways, or any part thereof, any tolls or charges not exceeding one penny per mile (and for this purpose the fraction of a mile beyond an integral number of miles shall be deemed a mile), but the lessees may charge for any less distance than three miles any sum not exceeding threepence.

Tolls for  
animals,  
goods, &c.

41. The lessees may demand and take for all animals, goods, minerals, and parcels conveyed upon the tramways any tolls not exceeding the rates per mile following :

For every horse, mule, or other beast of draught or burden, per mile not exceeding threepence :

For every ox, cow, bull, or head of cattle, per mile not exceeding threepence :

For every calf, pig, sheep, and small animal, per mile not exceeding twopence :

For all coals, culm, cannel, limestone, chalk, lime, slates, clay, ironstone, undressed or scabbled stones for building, pitching, and paving, slag, stone, salt, sand, cinders, and all undressed materials for the repair of public roads, per ton per mile not exceeding threepence :

For all iron, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, wrought iron not otherwise specifically classed herein, and for heavy iron castings (including railway chairs), tiles, bricks, coke, charcoal, dung, manure, and compost, per ton per mile not exceeding fourpence :

For all timber or wood, per ton per mile not exceeding threepence :

For all sugar, grain, corn, flour, hides, dye woods, earthenware, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton per mile not exceeding fivepence :

For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile not exceeding sixpence :

For every carriage of whatever description, per mile not exceeding one shilling :

For any parcel, not exceeding in weight seven pounds, threepence :

For any parcel exceeding seven and not exceeding fourteen pounds in weight, fivepence :

For any parcel exceeding fourteen but not exceeding twenty-eight pounds in weight, sevenpence :

For any parcel exceeding twenty-eight but not exceeding fifty-six pounds in weight, ninepence : A.D. 1880.  
—

For any parcel exceeding fifty-six but not exceeding five hundred pounds in weight, any sum.

42. The following regulations shall be applicable to the fixing of such tolls ; (that is to say,) Regulations  
as to tolls.

In respect of tolls for animals and goods, the lessees may demand and take, for any less distance than three miles, tolls and charges as for three miles :

For a fraction of a mile beyond an integral number of miles the lessees may demand tolls and charges on animals and goods as for a mile :

For a fraction of a ton the lessees may demand tolls according to the numbers of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton, such fraction shall be deemed a quarter of a ton :

With respect to all articles except stone and timber the weight shall be determined according to the usual avoirdupois weight :

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity :

Provided always, that articles sent in large aggregate quantities, although made up into separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but such term shall apply only to single parcels in separate packages :

For the carriage of any boiler, cylinder, or single piece of machinery, or single piece of timber or stone or other single article, the weight of which, including the carriage, exceeds four tons but does not exceed eight tons, the lessees may demand such sum per ton as they think fit, not exceeding three shillings :

For the carriage of any single piece of timber, stone, machinery, or other single article the weight of which with the carriage exceeds eight tons, the lessees may demand such sum as they think fit.

43. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of Periodical  
revision of  
tolls.

A.D. 1880. — the tramways are or is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, or by the Corporation, that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways, or on such portion of the tramways, should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870, and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways, or on such portion of the tramways, in such manner as they think fit; and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised.

Tolls to be inclusive.

44. The foregoing tolls and charges shall include all charges which may be made for the use of the tramways and of carriages, and for motive power, and every other incidental expense.

Passengers luggage.

45. Every passenger travelling upon the tramways may take with him his personal luggage, not exceeding twenty-eight pounds in weight, without any charge being made for the carriage thereof; but all such personal luggage shall be carried by hand, and at the responsibility of the passenger, and shall not occupy any part of the seat nor be of a form or description to annoy or inconvenience other passengers.

User of tramways and tolls thereon when left open to be used by the public.

46. The Corporation may from time to time (but subject to the terms of any lease), by resolution, declare the tramways or any part thereof to be open to be used by the public, and for such periods and during such hours as the Corporation think fit, and such user may be either concurrently with the lessees or otherwise, and so soon as the Corporation shall have passed such resolution any person or persons may use the tramways, or any part thereof, with carriages having flange wheels or other wheels suitable only to run on the rail of the tramways, and may demand and take for the like purposes for which tolls are authorised to be taken by this Act any tolls not exceeding the tolls by this Act authorised to be taken for such purposes by any lessee of the tramways.

47. If the tramways or any part thereof be left open to be used by the public, the Corporation may demand and take from any company or person who shall run any carriage, waggon, or truck on the tramways or any part thereof the following tolls and charges in respect of such user; (namely,)

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Tolls if tramways left open to be used by the public.

For every passenger travelling in or upon any of the carriages of such company, or person, any sum not exceeding one half-penny nor less than one farthing per mile;

For any animals, goods, minerals, and parcels conveyed in or upon the carriages of such company or person, any sum or sums not exceeding one half of the tolls or charges hereinbefore by this Act authorised in respect of such animals, goods, minerals, and parcels so conveyed;

and the Corporation may, if they think fit, so commute such tolls or charges as that the commuted sum may be as near as possible an equivalent of such tolls and charges.

48. The company or person so using the tramways or any part thereof left open to be used by the public and their officers and servants shall permit the person duly authorised by the Corporation to ride free of charge, for the whole or any part of the journey, in or upon each carriage, waggon, truck, or vehicle in or upon which any passengers, animals, minerals, parcels, or goods shall be conveyed by such company or person upon the tramways or such part thereof.

Servants, &c. of Corporation to ride free of charge.

49. The provisions contained in the following sections of the Tramways Act, 1870; (namely,)

Section thirty-six (in default of payment of tolls, licensees carriages may be detained and sold);

Section thirty-seven (licensees to give account of passengers carried by them);

Section thirty-eight (licensees not giving account of passengers carried liable to penalty);

Section thirty-nine (disputes as to amount of toll to be settled by justice); and

Section forty (owners of carriages liable for damage done by their servants),

Certain provisions of 33 & 34 Vict. c. 78. as to licences extended to persons using the tramways when left open to be used by the public.

shall, so far as the same are applicable in this behalf, extend and apply mutatis mutandis to the company or person so using the tramways or any part thereof left open to be used by the public; and in construing those sections for the purpose aforesaid:

The expression the "licensee" or "licensees" shall mean the company or person so using the tramways or any part thereof;

The expression "passengers" shall include animals, goods, minerals, and parcels;

[Ch. cxviii.] *Preston Improvement Act*, 1880. [43 & 44 VICT.]

A.D. 1880.

The expression "number of passengers" shall include the number or quantity (as the case may require) of the goods, minerals or parcels conveyed; and

The expression "carriage" shall include any waggon, truck, or vehicle in or upon which such animals, goods, minerals, or parcels shall be conveyed.

Lessees, &c. not bound to carry goods, &c. unless as provided herein.

**50.** The lessees or any company or persons using the tramways shall not, except as by this Act otherwise provided, be bound to carry, unless they think fit, any animals, goods, minerals, or parcels, other than passengers luggage, not exceeding twenty-eight pounds in weight.

Provisions as to carriage of goods, &c.

**51.** Animals, goods, minerals, and parcels, if carried, shall be carried in separate carriages or separate parts of carriages set apart for that purpose; provided that this shall not apply to the carriage of passengers luggage.

Payment of tolls.

**52.** The tolls and charges by this Act authorised shall be paid to such persons and at such places upon or near to the tramways, and in such manner and under such regulations, as the company or person authorised to demand and take such tolls respectively may by notice to be annexed to the list of tolls appoint.

Provisions as to arbitration.  
17 & 18 Vict. c. 125.

**53.** Where under the provisions of the Tramways Act, 1870, in this Act any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Penalties under the tramway provisions.

**54.** The provisions of the Tramways Act, 1870, with respect to the recovery of penalties shall apply to any penalty under Part V. (Tramways) of this Act, and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act, and all penalties (not being penalties payable by the Corporation) shall be paid to the treasurer of the borough for the benefit of the Corporation, and be carried to the credit of the tramways account.

Protection of London and North-western and Lancashire and Yorkshire Railway Companies and Ribble Navigation Company.

**55.** In carrying Tramways Nos. 1 and 1A over the Ribble branch railway, belonging jointly to the London and North-western and Lancashire and Yorkshire Railway Companies, proprietors of the North Union Railway, (herein-after called the two companies,) and the Ribble Navigation Company, and in carrying Tramway No. 1 over the North Union Railway of the two companies, and over the Preston and Summit tramroad of the two companies, and in carrying Tramway No. 3 over the Longridge railway tunnel of the

two companies, and over the Lancaster Canal, the Corporation shall, unless otherwise agreed, observe, perform, and comply with the following provisions ; (that is to say,) A.D. 1880.

- (1.) The Corporation shall not alter or interfere with the structure of any bridge by means of which it is intended to carry the said tramways, or any or either of them, over any of the said railways, or the said tramroad, or the canal, or its towing-path, or of the approaches thereto, or the walls, buttresses, retaining walls, or supports of such bridge, and they shall so construct and maintain those tramways as not to injuriously affect the stability of the said bridges, walls, buttresses, retaining walls, supports, and approaches, or any of them ; and in the event of any injury being occasioned to any of the said bridges, walls, buttresses, retaining walls, supports, or approaches, or any part or parts thereof, by the construction of those respective tramways on or over the same, (whether such injury shall occur either during or after the construction or in effecting the maintenance of those respective tramways,) or in or by the working or user thereof, the London and North-western Railway Company (herein-after called " the North-western Company "), or the two companies, or the two companies and the Ribble Navigation Company, (as the case may be,) may, at the reasonable expense of the Corporation, restore the bridge, walls, buttresses, retaining walls, supports, and approaches, or the part or parts thereof which may be so injured, to as good a state and condition as they respectively were in before such injury was occasioned, and the Corporation shall recoup to and indemnify the North-western Company, or the two companies, or the two companies and the Ribble Navigation Company, (as the case may be,) against all expenses which they may reasonably pay or be put to in such restoration as aforesaid, and also in maintaining and repairing so much of the road over the said bridges and approaches as the Corporation are liable to maintain and repair under section twenty-eight of the Tramways Act, 1870, and the North-western Company, or the two companies, or the two companies and the Ribble Navigation Company, (as the case may be,) may recover from the Corporation all such expenses, as in this sub-section mentioned, together with the costs of recovering the same, by all and the same means as any simple contract debt is recoverable :
- (2.) The Tramway No. 1B shall be so constructed that no part thereof shall extend eastward of an imaginary line drawn lineably in continuation of the western side of Charles Street :
- (3.) In case steam or any mechanical power shall be used on any of the tramways laid on any of the said bridges, and at

A.D. 1880.

any time or times thereafter it shall, in the opinion of the engineers of the North-western Company, or of the two companies, or of the two companies and the Ribble Navigation Company, (as the case may be,) and the surveyor (or, in case of difference, of an engineer appointed by the Board of Trade), become necessary, by reason of such user, to strengthen the fabric of such bridge for the purpose of more safely bearing the additional weight which will thereby be imposed thereon, the said companies may execute such works as the said engineers and surveyor, or the said engineer may deem necessary for strengthening such bridge accordingly, but in all things at the expense of the Corporation, and the said companies may recover from the Corporation, in manner aforesaid, all moneys expended by the said companies, together with full costs; and if the said companies shall find it necessary for effecting such strengthening that the working and user of the tramways over such bridge and the approaches thereto shall be wholly or in part stopped or delayed, and shall give to the Corporation three clear days notice in writing requiring such stoppage or delay, the working and user of such tramways shall be stopped or delayed accordingly, but only for so long as the said companies may find to be absolutely necessary for effecting such strengthening, and the said companies shall not be liable for any compensation claims, demands, damages, costs, or expenses for or in respect of such stoppage or delay: Provided, that this sub-section shall not apply to any widening of the Preston and Summit tramroad bridge, whether such widening be made before or after the use of steam or other mechanical power on the tramways:

- (4.) In case Tramway No. 1 shall be laid along the said Preston and Summit tramroad bridge before it shall be widened, the Corporation shall pay to the two companies, to be recoverable as aforesaid, with such costs as aforesaid, any additional expense which, in the opinion of the engineers of the two companies and the surveyor, shall be reasonably incurred by the two companies in effecting such widening owing to the said tramway having been so laid:
- (5.) The Corporation, or any company or person working or using any of the tramways, shall not allow any tramcar to stand in front of the approach road of any railway station or canal wharf so as to obstruct the free access or egress thereto or therefrom:
- (6.) If any difference arise between the Corporation and the North-western Company, or the two companies, or the two companies and the Ribble Navigation Company, touching anything to be done or not to be done, or any money to be

paid under any provision of this section, such difference shall, unless herein-before otherwise provided for, be determined by an engineer to be appointed (unless otherwise agreed on between the parties in difference) by the President for the time being of the Institution of Civil Engineers, upon the application of either of the parties in difference; and the provisions of the Railway Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration, shall, so far as they are applicable, apply to any such arbitration.

A.D. 1880.

8 & 9 Vict.  
c. 20.

**56.** Except as is herein expressly provided, nothing in this Act contained shall be deemed or construed to exempt the tramways or the Corporation, or any corporation, company, or person using the tramways, from the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon, or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by this Act, and from any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

Provision as  
to general  
Acts.

#### PART VI.—PROVISIONS AS TO STREETS, BUILDINGS, PLANS, AND SANITARY MATTERS.

**57.** Whenever any land is laid out for building, and the backs of dwellings in an intended new street shall be opposite to the backs of dwellings in a street parallel or nearly parallel therewith, there shall be (except the Corporation otherwise expressly permit, and unless the plans showing the mode of such laying out shall have been approved by the Corporation before the passing of this Act) a back road not less than twelve feet between the yards of such dwellings, and such road shall be uncovered for its entire length, and shall at or near each end thereof communicate with a street.

Back roads  
required in  
certain cases.

**58.** 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 give notice in writing of such desire to the Corporation, and shall, if so required by them, submit to them for their reasonable approval a plan of the proposed communication, showing where it will cut the footpath, and what provision (if any) is made for kerbing, for gullies, and for a paved crossing, and the dimensions and gradients of necessary works, and

Crossings for  
horses or  
vehicles over  
footways.

A.D. 1880. — shall execute the works at his own expense, under the supervision and to the reasonable satisfaction of the surveyor, and in case such plan shall have been required then in accordance with the plan so approved and not otherwise; and if any person drives, or permits or causes to be driven, any horse or vehicle across any footway, unless and until such a communication as aforesaid has been so made, he shall for each such offence be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding forty shillings.

Coal-shoots,  
&c.

**59.** No coal-shoot, area, or cellar-grating, or opening shall be hereafter placed in any street except with the consent of the Corporation, and then only if formed of the materials, and size, and in the manner and in such position and with such protection, as may be approved of by the Corporation.

Deposit of  
building ma-  
terials, &c.

**60.** When any person shall deposit any building materials, rubbish, or other things in any street, he shall, if so required by the surveyor, deposit the same only in such place or places as the surveyor shall approve; and any person offending against this enactment shall be liable to a penalty not exceeding forty shillings, and to a daily penalty not exceeding twenty shillings.

Prevention  
of projec-  
tions, &c. in  
streets.

**61.** After the passing of this Act it shall not be lawful for any person without the previous consent of the Corporation to construct any door or gateway so as to open outwards across any carriageway or footway (not being a carriageway or footway within the boundary of any railway station or canal wharf) or to erect any crane or apparatus for hoisting or lowering goods, or to place or make any other like projection, or any projecting signboard, advertising board, or other projection, at or from any building over any part of any such carriageway or footway, and every person, after the passing of this Act, so constructing any such door or gateway, erecting any such crane or apparatus, or placing or making any such projection shall for every such offence be liable to a penalty not exceeding twenty shillings, and to a daily penalty not exceeding twenty shillings.

Power for  
Corporation  
to erect cab-  
men's shel-  
ters.

**62.** The Corporation may from time to time, in such convenient place or places in any public street as they think fit, but not in front of or so as to obstruct the access to any approach road of any railway station or canal wharf, construct, maintain, and place cabmen's shelters; and may provide and pay for the lighting of any such cabmen's shelter; and every such cabmen's shelter, and the persons using and frequenting the same, shall be subject to such byelaws with respect to the use and for the protection thereof as the Corporation may from time to time prescribe.

**63.** The Corporation may from time to time make byelaws with respect to locomotive and traction engines under the provisions of the Highways and Locomotives (Amendment) Act, 1878, as though the borough came within the exemption conferred by that Act on boroughs having a separate court of quarter sessions, and no traction engine shall be used in any street in the borough unless and until the same has been licensed by the Corporation, and subject to such restrictions as to waggons or vehicles to be attached thereto as they may deem necessary for protection of the public. Every person using or permitting any traction engine to be used in the borough, save whilst a licence in respect thereof is in force and in accordance therewith, shall be liable to a penalty not exceeding five pounds, and a like penalty for every day during which such misuser shall continue.

A.D. 1880.  
—  
Regulation of  
traction en-  
gines.  
41 & 42 Vict.  
c. 77.

**64.** From and after the passing of this Act—

The erecting of any building ;

The re-erecting, wholly or partially, on the same site, of any building of which an outer wall is pulled down to within ten feet of the surface of the adjoining ground, and any frame building pulled down to the framework of the ground floor storey thereof ;

The converting of any building not originally constructed for human habitation into a dwelling-house ;

The converting of any building originally constructed as one dwelling-house into more than one ; and

The making of any addition to an existing building by raising any part thereof or by making any projection therefrom, but so far as regards such addition only,

shall be deemed the erecting of a new building.

What to be  
deemed new  
buildings.

**65.** For the purpose of this Act buildings and lands shall be deemed to be in a street when they abut upon a street, or when they have an access covered or uncovered to a street, or when only some forecourt, yard, garden, or strip of waste or unoccupied ground open to the passage of the public intervenes between any such buildings or lands and a street.

Buildings  
abutting  
on streets.

**66.** From and after the passing of this Act no new wooden building shall be erected without the previous consent of the Corporation, and the Corporation may order any wooden building existing at the passing of this Act, the continuance of which will cause danger to adjoining buildings to be removed within two years from the making of the said order ; and if any such new wooden building be erected, or any such existing wooden building be not so removed, the owner and occupier thereof shall in each case be liable to a penalty not exceeding fifty pounds, and to a daily penalty not exceeding ten pounds.

Wooden  
buildings  
to be re-  
moved.

A.D. 1880.

Notices,  
plans, &c. of  
new building.

**67.** Every person who intends to erect a new building shall give notice to the Corporation of such intention by writing left at the surveyor's office, and shall at the same time leave there the following documents ; (namely,)

- (1.) A detailed plan and section of the building, on a scale of not less than one inch to eight feet, showing the positions and forms of the several parts, and windows, and the thickness of the walls, with figured dimensions of the several parts, the waterclosets, privy drains, cesspool, ash-place, well, and all outbuildings and other appurtenances, and showing the then and also the intended level of the ground line of the street, and of the yard or other ground belonging thereto, and the levels of the several floors of the intended building, and of the cellars, basements, and foundations thereof ;
- (2.) A description of the intended mode of drainage and means of water supply ;
- (3.) A block plan, on a scale of not less than one inch to forty-four feet, showing the position of the street and of the yard or other ground belonging to the new building and of the nearest part of the adjacent buildings thereto respectively, and the width and level of the street.

Every such drawing, plan, and section, and description respectively shall contain the name and address of the person intending to erect the building, and be signed by him or his authorised agent, and shall be deemed for purposes of this Act part of the notice ; and every such notice shall be accompanied by a duplicate thereof, and every such drawing, plan, section, and description shall be accompanied by a duplicate or tracing thereof respectively, and every such duplicate or tracing shall be retained by and shall be the property of the Corporation, and every such drawing, plan, section, and description shall, after the same shall have been approved or disapproved by the Corporation, be delivered back to the person giving the notice.

Notices, &c.  
of new  
streets.

**68.** Every person who intends to make a new street shall give notice to the Corporation of such intention by writing left at the surveyor's office, and shall at the same time leave there the following documents ; (namely,)

- (1.) A plan of the street, on a scale of not less than one inch to forty-four feet, showing the names of the owners of the lands through or over which the street will pass, its level, width, direction, mode of construction, front building, line, and name, and its position relatively to the streets nearest to it, and the proposed plan and dimensions of the sewers ;

(2.) A section of the street, on the same scale and on a vertical scale of not less than one inch to ten feet, showing the level of the then surface of the ground above the Ordnance datum line, the level and rate of inclination of the street sewers and drains, and the level and inclinations of the streets with which it will be connected, and the level of the lowest of the floors of the intended new buildings. A.D. 1880.

Every such plan and every such section shall contain the name and address of the person intending to lay out or make the street, and be signed by him or his authorised agent, and shall be deemed for purposes of this Act part of the notice, and every such notice shall be accompanied by a duplicate, and every such plan and every such section shall be accompanied by a duplicate or tracing, and every such duplicate or tracing shall be retained by and shall be the property of the Corporation, and every such plan and section shall, after the same shall have been approved or disapproved by the Corporation, be delivered back to the person giving the notice.

69. Every drawing, plan, and section to be 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 linen. Nature of plans, drawings, &c.

70. The documents by this part of this Act required to be deposited with the Corporation shall be so deposited on or before the tenth day of the month, and shall be approved or disapproved by the Corporation within one month from such tenth day, and all such documents deposited in any month after the tenth day thereof shall be deemed to be deposited as for the tenth day of the following month. Time for deposits.

71. The approval by the Corporation of any plan of buildings shall, if they so determine, be null and void if, the execution of the work specified in such plan be not commenced within the following periods ; (that is to say,) Approval of plans of buildings.

As to plans approved after the passing of this Act, within two years from the date of such approval ; and

As to plans approved before the passing of this Act, within two years from the passing of this Act ;

and at the expiration of those respective periods fresh notice, deposits, and approval shall, unless the Corporation otherwise determine, be requisite.

The Corporation shall give notice of the provisions of this section to the person intending to erect a building, the plans for which shall have been approved before the passing of this Act.

72. The Corporation may attach to their approval of the plans and sections of any street or of any new building any condition Approval of plans, &c.

A.D. 1880. which they deem proper as to alterations in or additions to the sanitary arrangements of such street or building, and also, in the case of dwelling-houses, any restrictions as to the number of separate dwellings for which the same may be used, and in all cases in which the Corporation disapprove the plan of any street or new building they shall assign a reason therefor.

Levels of new dwelling-houses and construction of cellars.

**73.** 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 adjoining such dwelling-house 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 such material as may be approved of by the Corporation.

Power to prohibit cellars in districts liable to floods.

**74.** The Corporation may, from time to time, prohibit in any part of the borough liable to be flooded the construction of any cellar or basement storey in any dwelling-house, and may from time to time make byelaws with respect to the foundations and the level of the ground-floor of houses constructed or to be constructed in such parts for securing the prevention of damp therein.

Buildings intended for the residence of two or more families.

**75.** New 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. The ventilation space to be maintained at the rear of such buildings shall be such number of superficial feet as may be determined by byelaw for each tenement or separate dwelling-house that such building is designed to contain, and shall be provided in the yards or courts adjoining the building.

No buildings allowed until street formed, &c.

**76.** No person, except with the consent of the Corporation, shall, in any new street, commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to the satisfaction of the Corporation, and the same or the section or part thereof in which it is intended to commence or carry on building operations, shall have been formed with a foundation of at least nine inches of stone, slag, gravel, or brick rubbish, and levelled and sewered to the like satisfaction, and until the kerbstones shall have been placed along the intended footway at intervals of not more than sixty feet apart for the whole length of the intended street, or such section or part thereof, to indicate the line and level shown on the plan thereof approved by the Corporation. Any person who shall offend against this section shall be liable to a

penalty not exceeding twenty pounds, and to a daily penalty not exceeding forty shillings. A.D. 1880.

77. Every owner of a new building shall, before the same shall be inhabited, give to the Corporation or the borough surveyor a notice in writing that the said building and its appurtenances, and the paving of the yard and the drainage and the ventilation of such building are completed, and that the drains thereof are sufficiently trapped according to the provisions of the several Acts of Parliament and the byelaws for the time being in force in the borough, and a demand that the same may be inspected within fourteen days from the service of such notice; and no owner of a new building shall occupy or allow the same to be occupied if he shall have received from the borough surveyor, within fourteen days after the service of such notice, a notice in writing that such new building is not complete or sufficiently ventilated, and fit for habitation, or that the drainage thereof is not completed, and the drains not sufficiently trapped (the notice to state in what particulars the building or the drainage is defective); and any owner who shall occupy or allow such new building to be occupied, and any person who shall wilfully occupy the same after such last-mentioned notice has been given, shall be liable to a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day during which such building shall be inhabited until the defects specified in his notice have been remedied.

Houses not to be inhabited until certificate of completion given by Corporation.

78. Where in the plan of a building submitted to and approved by the Corporation a building is described as a lock-up shop, workshop, shed, or place of business, the use thereof or of any part thereof for the purposes of habitation by any person other than a caretaker shall be an offence against this Act, and shall be deemed to have been committed on the day when the user thereof is first detected. Every person wilfully so using the same or knowingly permitting the same to be so used shall be liable to a penalty not exceeding twenty pounds, and also to a daily penalty not exceeding five pounds. The mayor for the time being of the borough may from time to time, by warrant under his hand, authorise the surveyor, medical officer of health, or any sanitary officer to enter at any time into and examine any building suspected of being so used. If any person obstructs the surveyor or such officer so authorised in his entry or examination, he shall be liable to a penalty not exceeding five pounds.

Prevention of lock-up shops, &c. being used for habitation.

79. In every new building (unless the Corporation otherwise allow) every room used as a dwelling or sleeping room below or partly below the level of the ground shall be in every part thereof

Height of rooms.

A.D. 1880. — eight feet six inches in height at least from the floor to the ceiling, and every other room so used, except rooms in the roof, shall be in every part nine feet in height at least from the floor to the ceiling, and every room in the roof so used shall be at least seven feet in height from the floor to the ceiling through not less than one half the area of the room.

Space about buildings.

**80.** 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 with the consent of the Corporation entirely at the side thereof, an open space adjoining and exclusively belonging thereto to the extent at least of two hundred and forty square feet, or if there be a road not less than twelve feet wide at the rear of such building to the extent at least of one hundred and fifty feet, 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. The distances across such open space shall from every part of such building to every part of every other building be not less than the following in the case of buildings of the following heights measured from the level of such open space ; (that is to say,)

Ten feet in case of a building not exceeding ten feet in height ;

Fifteen feet in case of a building exceeding ten feet but not exceeding nineteen feet in height ;

Twenty feet in case of a building exceeding nineteen feet but not exceeding twenty-eight feet in height ; and

Twenty-five feet in every other case :

Provided, that when a stable or cowhouse 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 cowhouse, in addition to the space herein-before provided for dwelling-houses. Every new building used or intended to be used as an 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 also, that the Corporation shall not be entitled under this section to require a greater area in the whole than one thousand superficial feet : Provided also, that if upon the re-erection of any building existing prior to the twenty-ninth day of August one thousand eight hundred and fifty the provisions of this section cannot be complied with except by a great sacrifice of property the Corporation may relax all or any of such provisions.

As to buildings not dwelling-houses.

**81.** In the case of any new building not being a dwelling-house to be erected on land which adjoins on one or more sides to any

dwelling-house, the Corporation may require all the provisions of this Act in regard to the open space about buildings to be complied with, and may enforce the same, as in the case of dwelling-houses. A.D. 1880.

82. Whenever any open space has been left belonging to any new building, and whenever any open space has been left belonging to any building erected subsequent to the twenty-ninth day of August one thousand eight hundred and fifty, such space shall in each case never afterwards be covered in or over or diminished to a clear superficial area less than that required by any enactment or byelaw for the time being in force within the borough in reference to buildings without the consent of the Corporation. Space not to be built upon.

83. 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 purposes whatsoever, shall be provided by the owner with ample and convenient means of ingress and egress respectively, to be approved by the Corporation. Means of ingress and egress in public buildings.

84. Every building which after the passing of this Act is intended to be used as an hotel, public-house, inn, beershop, coffee-shop, tavern, church, chapel, school, lecture hall or room, or any place of public amusement or entertainment, or for holding a large number of persons for any purpose, and which shall not have been used for those purposes at the time of the passing of this Act, shall be provided with ample and convenient means of ingress and egress, regard being had to the purposes for which such building is intended to be used and the number of persons likely to be assembled at the same time therein; and it shall not be lawful for the proprietor or occupier, or person in charge of such building, to allow the same to be used for any such purpose as aforesaid unless and until he has obtained a certificate under the hand of the town clerk or borough surveyor that the Corporation are satisfied with the sufficiency of the means of ingress and egress provided at such building, and any person who, being the proprietor or occupier or person in charge of such building, shall permit the same to be used for any such purpose as aforesaid without having previously obtained such certificate shall for every such offence be liable to a penalty not exceeding fifty pounds, and to a daily penalty not exceeding ten pounds. Buildings to be used as hotels, &c. to have sufficient means of ingress and egress.

85. 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 so to do 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 Inspection of works by surveyor.

A.D. 1880. — works which may have been required by the surveyor to be done in amendment of any irregularity have been completed, and before such works shall be covered up.

Power to enter and inspect.

**86.** The Corporation, by their officers and servants, may, at all reasonable times, (but in case of an occupied building only between the hours of nine in the morning and four in the afternoon, and after twelve hours notice to the occupier of the premises,) enter upon any lands or buildings for the purpose of inspecting any works or buildings in progress of construction or alteration, or of making such examination as may be necessary to ascertain whether the provisions of this Act or any byelaw for the time being in force within the borough have been complied with, or whether anything prohibited by this Act or by any such byelaw is being done or suffered, or for the purpose of carrying into execution any of the powers contained in this Act (other than powers for the compulsory purchase of lands) or in any such byelaw, without being deemed trespassers or liable to any action, indictment, or other proceeding on account thereof.

Power to regulate materials and workmanship.

**87.** The Corporation shall have control over the materials (including mortar, cement, and concrete) and workmanship employed in every new building, 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 the building or to the health of the inhabitants thereof, and if any person uses or continues to use any materials or workmanship so rejected or disapproved he shall be liable to a penalty not exceeding twenty pounds, and in case of such continuance to a daily penalty not exceeding ten pounds.

Cutting into work for inspection.

**88.** In order the better to ascertain whether the provisions for the time being in force in the borough with respect to new buildings have been complied with, the surveyor may, at any time during the progress of any excavation or any new building, open, uncover, or cut into any work when it shall be necessary to do so for the purpose of ascertaining whether such provisions have been complied with, and if the surveyor shall discover any particular in which the work is not in compliance with any of such provisions he shall give notice thereof in writing to the owner, contractor, or master builder, or other person in charge of or by whose order or under whose superintendence such work is being executed, and require him to amend or alter the same in conformity with such provisions, and thereupon such owner, contractor, master builder, or other person shall forthwith cause the same to be amended or altered accordingly: Provided that if any such work shall be so cut into as

aforesaid, and the same shall thereupon be found to be constructed in conformity with such provisions, the costs and expenses of so cutting into such work and of repairing the damage thereby incurred shall be paid by the Corporation, but if such work shall be found not so in conformity all such costs and expenses shall be paid by such owner, contractor, or master builder, and may be sued for and recovered by the Corporation from such owner, contractor, or master builder, as they may elect, in like manner as penalties under this Act may be sued for and recovered.

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**89.** If the work of any street or building be commenced before deposit of the plans for the same in accordance with any enactment or byelaw for the time being in force in the borough, or be commenced after notice of the disapproval thereof by the Corporation, or before the time within which the same may be disapproved by the Corporation after deposit of the plans for the same (unless such plans shall have been approved), or be commenced, continued, or recommenced without a fresh deposit and approval of plans as required by any such enactment or byelaw, or be in any respect not in conformity with the approved plans, or whenever by any enactment for the time being in force in the borough, or any byelaw thereunder, or any notice or order of the Corporation any work, act, or thing is required to be done by any owner, occupier, or other person, and default is made therein, or if any such work, act, or thing is in the opinion of the borough surveyor improperly or insufficiently done, the Corporation may cause such work, act, or thing to be executed or re-executed or done (as the case may require), and also whenever any work, act, or thing is by any such enactment, or by any such byelaw, notice, or order as aforesaid, prohibited being done and nevertheless is done, the Corporation may remove, abate, or alter the work, act, or thing so done; and the expenses incurred by the Corporation in any such case shall be deemed private improvement expenses, and may be recovered by the Corporation accordingly from the person making default in the execution, or doing of, or improperly, or insufficiently, or unlawfully executing or doing such work, act, or thing, as the case may be, notwithstanding any penalty may be imposed upon such person by such enactment or byelaw.

Corporation may alter, &c. works improperly executed, &c.

**90.** With respect to the height of chimneys, the following provisions shall have effect; (that is to say,)

Height of chimneys.

- (1.) Every new chimney, of whatever material, intended to be used in connection with the furnace of a fixed steam-engine, or boiler, or bakehouse, or in connexion with any trade or business (save as herein-after excepted), shall be of such height,

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not exceeding one hundred feet, and every new chimney intended to be used for the purpose of conveying any noxious or offensive vapours or fume in connexion with any trade or business (except copper and alkali works) shall be of such height, not exceeding one hundred and fifty feet, and in cases of copper and alkali works shall be of such height, not exceeding two hundred and fifty feet, as the Corporation may in each case prescribe :

- (2.) No portable steam-engine shall, after the passing of this Act, be erected or used within ninety feet of any occupied dwelling-house unless connected with a chimney of such height, not less than forty feet and not exceeding one hundred feet, as the Corporation may in each case prescribe :
- (3.) All steam ejected from any fixed steam-engine or the boiler thereof, and all spent or ejected steam arising or produced in any trade or business, shall be discharged into the chimney flue so as not to be an annoyance to the public :
- (4.) The foregoing provisions of this section shall not apply to locomotives used upon any railway or tramway, or to portable steam-engines in use for agricultural purposes, or to steam rollers or fire-engines :
- (5.) Any person who shall offend against any provision of this section shall be liable to a penalty not exceeding twenty pounds, and to a daily penalty not exceeding forty shillings.

Provision as  
to filling up  
cesspools, &c.

**91.** If it appear to the Corporation, by the report of their surveyor, or inspector of nuisances, or medical officer of health, that any cesspool used at the passing of this Act as a receptacle for excreta or fœces, or for the whole or any part of the drainage of any house or part of a house, or any ash-place belonging to any such house or part of a house, is prejudicial to health, or is inconveniently situated, or is ill-constructed, or is not water-tight, or that for other sanitary reasons it is desirable that the same should be filled up or removed, the Corporation may, if they think fit, by written notice under the hand of the town clerk, require the owner or occupier of such house or part of a house, within a reasonable time, to be specified in such notice, to cause such cesspool or ash-place to be filled up or removed, and any drain communicating with such cesspool to be effectually disconnected, destroyed, and taken away ; and in cases where it appears by such report that any cesspool or ash-place is used in common by the occupiers of two or more houses or parts of houses, such notice for the filling up or removal of such common cesspool or ash-place may be served on any one or more of the owners or occupiers respectively who have the right to use the same cesspool or ash-place.

**92.** If, by reason of the filling up or removal of any cesspool or the removal of any ash-place under the foregoing enactment, any house or part of a house would cease to be provided with sufficient watercloset or privy accommodation, or with a proper ash-place, the Corporation may by the same or another similar notice require the owner of such house or part of a house, within a reasonable time therein specified, to provide sufficient watercloset or privy accommodation and a proper ash-place, or either of them, as the case may require. If any such notice as is mentioned in this and the preceding section is not complied with, or is not fully complied with, the Corporation may, at the expiration of the time specified in the notice, do any work thereby required to be done which has not been done by the owner, and may recover in a summary manner from the owner, or if there be more than one owner from the owners in such shares and proportions as shall be apportioned and determined by the surveyor to the Corporation, the expenses incurred by them in so doing, or may by order declare the same to be private improvement expenses, when the same shall be a charge upon the premises in respect of which the work has been done, and may be recovered from the owner or owners of the said premises as private improvement expenses as and when any instalment of such expenses shall become due and payable under such order.

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Other water-closet, &c. accommodation to be provided.

**93.** In addition to all powers vested in the Corporation, the Corporation may, if the surveyor shall report in writing to the Corporation that any dwelling-house is not provided with a sufficient sink or drain or other necessary appliances for carrying off refuse water from such dwelling-house, by notice under the hand of the town clerk for the time being, require the owner of such dwelling-house, in the manner and within the time to be specified in such notice, to provide such sink, drain, or other appliances. If any such owner shall neglect to comply with such notice within the time therein appointed, he shall be liable for every such offence to a penalty not exceeding five pounds, and to a daily penalty of the like sum.

Summary power for providing sinks and drains for dwelling-houses.

**94.** The situation, dimensions, materials, method, or system of construction, and the actual construction, of every watercloset, earth-closet, urinal, privy, or ash-place erected or constructed after the passing of this Act, shall be subject in all respects to the approval of the Corporation, who shall from time to time have the power to decide upon the adoption of a uniform system for the construction of all privies and ash-places within or throughout the borough: Provided that, where the Corporation under this section require the alteration or removal of any privy or ash-place which they have previously approved, or which has been con-

Water-closets, &c. to be subject to approval of Corporation.

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structed on any system approved by them (whether before or after the passing of this Act), all the expense of such alteration or removal (except such expense as would necessarily be incurred in putting such closet, privy, or ash-place in a proper state of repair) shall be paid by the Corporation.

Pipes from  
slopstones  
to be discon-  
nected from  
sewers.

**95.** Every pipe from any slopstone in a building, whether erected before or after the passing of this Act, shall be carried through the external wall of such building, and shall be constructed so as to discharge in the open air outside such building over a channel leading into a drain or sewer, and every such drain or sewer shall be trapped in a manner to be approved by the Corporation, and every person who offends against this enactment shall for every such offence be liable to a penalty not exceeding twenty shillings, and to a daily penalty not exceeding ten shillings: Provided always, that with respect to a building erected before the passing of this Act, the above penalties shall not be enforced unless default has been made for fourteen days in complying with a notice from the Corporation requiring the owner of such building to comply with the provisions of this section.

Prevention  
of nuisances.

**96.** If any middenstead, ash-place, urinal, privy, or watercloset within the borough used in common by the inmates of any premises used as a separate dwelling, and also by any other persons, or the approaches to or the walls, floors, seats, or fittings of any such middenstead, ash-place, privy, or watercloset, or any of them, is or are in the opinion of the Corporation, or of their surveyor, medical officer of health, or inspector of nuisances, in such a state or condition as to be a nuisance for want of the proper cleansing thereof, the persons having the use thereof in common, as aforesaid, shall severally be liable to pay a penalty not exceeding ten shillings each, and a daily penalty not exceeding five shillings each for every day during which the same shall remain in such state or condition.

Steam, &c.  
not to be  
turned into  
sewers.

**97.** Every person who, having had notice from the Corporation of the provisions of this section, shall at any time after the expiration of seven days from the service of such notice turn or knowingly permit to enter into any sewer or drain communicating therewith any waste steam, condensing water, or heated water from any boiler or other receptacle used with any steam-engine or for any manufacturing or trade purpose (such water being of a higher temperature than one hundred and ten degrees of Fahrenheit), shall be liable for every such offence to a penalty not exceeding ten pounds, and to a daily penalty not exceeding five pounds. The Corporation, or any of their officers, may enter into any premises for the purpose of examining whether the provisions of this section are being contravened, and if such admission be refused any justice,

on complaint thereof on oath by any officer of the Corporation (made after reasonable notice in writing of such intended complaint has been given to the person having custody of the premises), may, by order under his hand, require such person to admit the officer of the Corporation into the premises, and any such order shall continue in force until the offence shall have ceased or the works necessary to prevent the recurrence thereof shall have been executed. A.D. 1880.

**98.** Every person who shall, within two hundred yards of any dwelling-house situate within or near any street, burn any bricks, tiles, or lime, except in a brickyard or limekiln existing at the passing of this Act, shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding forty shillings. Regulation as to burning of bricks, &c.

**99.** If any workman, labourer, servant, or other person employed in or about any new works wilfully does or omits to do anything in or about such works contrary to the provisions herein contained, he shall, for each offence, incur a penalty not exceeding twenty shillings, unless he show that such thing shall have been done or omitted with the privity or consent of the owner or person causing or on whose behalf such works are done. Penalty on workmen.

**100.** The Corporation may from time to time contract for, take, and use any leave, licence, or authority (not being exclusive) to work, use, or exercise, or put in practice any invention under any letters patent heretofore made, or hereafter to be made, granting any right or privilege of working, using, or vending any invention in relation to the utilisation, treatment, dealing with, and disposing of sewage, excreta, and refuse, and may enter into and carry into effect agreements and arrangements in relation to any such disposal or dealing respectively. Patent rights as to dealing with sewage.

**101.** The provisions of the several sections of this Act the marginal notes whereof are respectively as follows; (that is to say,) Exemption of certain railway and canal buildings from operation of certain provisions of Act.

- What to be deemed new buildings;
- Buildings abutting on streets;
- Wooden buildings to be removed;
- Notices, plans, &c. of new building;
- As to buildings not dwelling-houses;
- Space not to be built upon;
- Buildings to be used as hotels, &c. to have sufficient means of ingress and egress;
- Inspection of works by surveyor;
- Power to enter and inspect;
- Power to regulate materials and workmanship; and
- Cutting into work for inspection;

A.D. 1880. — and the regulations with respect to buildings contained in any bye-law made pursuant to this Act shall not extend or apply to any building other than a dwelling-house belonging to or used or intended to be used and occupied by a railway company or companies for the purposes of their business, or used or intended to be used for carrying on the business of a canal company, except with respect to the drains and other sanitary details of such buildings.

PART VII.—PROVISIONS AS TO INFECTIOUS DISEASES.

Further  
powers with  
respect to  
prevention of  
infection  
from disease.

**102.** The following provisions for prevention of infection from disease shall take effect; (that is to say,)

- (A.) The Corporation may from time to time provide temporary shelter or house accommodation for the members of a family in which infectious disease has appeared:
- (B.) The Corporation may themselves provide or license or contract with any person or persons to provide female nurses for attendance upon persons suffering from infectious disease within the borough:
- (C.) The Corporation from time to time may order any school (including therein any private schools), or any other places of public resort, situate in neighbourhoods affected by infectious disease, to be temporarily closed or suspended:
- (D.) The Corporation may order any shop, dairy, or other place, for the sale or storage of provisions, clothing, or other articles liable to retain infection, or for the sale of liquor, to be temporarily closed whenever, from the appearance of infectious disease in such shop, dairy, or other place, or in rooms in connection therewith, such action appears to the Corporation to be necessary, and may take all such means as seem to them desirable for preventing the entrance of the public into such place, or of the issue from it of food, clothing, or other articles or liquor:
- (E.) In case of the existence of cholera or small-pox, or scarlet, puerperal, typhus, or typhoid fever, in any house within the borough, the Corporation may issue an order under the hand of the town clerk declaring such house, or any part thereof, to be an infected place, and forthwith, until such order has been determined by another certifying it free from infection, the following regulations shall in respect of such house or part of a house, be observed:
  - (1.) No person in any such house, or part of a house, shall exercise any indoor occupation which necessitates the handling of any clothing, food (including beverages), or article likely to retain infection which is intended for sale or for the use of persons belonging to another family:

(2.) No bedding, clothing, or other articles liable to retain infection, shall be removed from such house, or part of a house, without previous disinfection or without proper precautions (to the satisfaction of the Corporation), for the purposes of being disinfected or destroyed;

(3.) No nurse attending on a patient in any such house or part of a house, shall attend on any person in any other house or part of a house, except with the written permission of a registered medical practitioner:

Provided always, that when the room or rooms occupied by the persons suffering from such disease can be effectually separated, and are so separated, from the other parts of the same house or building, the rooms so occupied only shall be deemed to be affected by such order and regulations.

The Corporation shall make compensation to any person who shall have complied with the provisions of this section, and who has sustained loss by reason of the exercise of any of the foregoing powers, but such compensation shall be in regard only of direct material and pecuniary loss, and not in respect of any consequential loss or damage. Any person who shall wilfully offend against any of the foregoing provisions shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding forty shillings.

**103.** In the event of the prevalence in the borough of any infectious disease, the Corporation may, if they think fit, establish a temporary hospital or ward for the treatment of the disease, and provide proper fittings, furniture, conveniences, medical appliances, and other things necessary or proper for the hospital or ward, and engage nurses for the service of the same.

Power to establish temporary hospitals, &c.

**104.** In order to secure that due notice be given to the Corporation of any inmate of any building used for human habitation who is suffering from infectious disease, the following provisions shall have effect; (that is to say,)

Notice to be given of persons suffering from certain diseases.

If any such inmate be suffering from any such disease as aforesaid, and no registered medical practitioner be attending on or has been called in to attend such inmate, the occupier or person having the management or control of such building (or if such occupier or person be prevented by reason of such disease, then the person in charge of such inmate) shall, so soon as he shall become aware of the existence in any such inmate of any such disease, forthwith give notice to the medical officer of health of the Corporation at his residence or office of the existence in such inmate of such disease:

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If such inmate be not a member of the family of such occupier or person, the head of the family (resident in such building) to which such inmate belongs, or if there be no such head, or if such head be prevented by illness, then such inmate (unless prevented by reason of such disease or of youth) shall, on becoming aware of the existence in such inmate or in his own person, as the case may be, of such disease, forthwith give notice thereof to such occupier or person :

The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising in the borough who shall apply for the same forms for the certificate or declaration to be made by such medical practitioner of the particulars herein-after mentioned in relation to such cases, according to the form set forth in the Fourth Schedule to this Act :

Every medical practitioner attending on or called in to visit such inmate shall, on becoming aware that such inmate is suffering from any such disease as aforesaid, forthwith fill up, sign, and send to the medical officer of health of the Corporation, at his residence or office, a certificate or declaration stating, according to the forms prescribed and supplied to him by the Corporation, the name of such inmate, the nature of the disease under which he is suffering, the situation of such building, and the name of such occupier or person :

The Corporation shall pay to every registered medical practitioner who shall, in pursuance of this section, duly make and give any such certificate or declaration, a fee of two shillings and sixpence for each such certificate or declaration, but only one such certificate need be given, and only one such fee shall be payable within an interval of thirty days to the same medical practitioner, in respect of the same disease occurring in the same building.

And any person who shall wilfully offend against this enactment shall for every such offence be liable to a penalty not exceeding ten pounds.

Other diseases may be declared to be within the foregoing provision.

**105.** The Corporation may from time to time, by resolution, on the report of the medical officer of health, order that any infectious or contagious disease other than those mentioned in this Act shall be deemed to be an infectious disease within and subject to the provisions of this Act. Any such order of the Corporation may be permanent or temporary only, and if temporary the period during which it is to continue in force shall be specified therein, and the Corporation shall give public notice of the resolution by publishing the same by advertisement in the local newspapers circulating in

the borough, and after such public notice has been given the provisions of this Act shall, so long as the order continues in force, apply to the disease specified therein in like manner in all respects as if the disease were an infectious disease specifically mentioned in this Act. The production of the newspapers containing a copy of the resolution shall be conclusive evidence that public notice of the order has been given. A.D. 1880.

### PART VIII.—EXECUTION OF WORKS, &c., AND PRIVATE IMPROVEMENT EXPENSES.

**106.** The expression “private improvement expenses” shall mean and include all private improvement expenses expressly so called, and all other expenses at any time incurred by the Corporation for the repayment whereof the owner or occupier of the building or lands in respect whereof such expenses may have been or may be incurred is liable under any enactment or byelaw, or under any agreement with or by reason of any application of such owner or occupier. What to be deemed private improvement expenses.

**107.** The Corporation may by resolution, at any time or from time to time, allow to any person liable to the payment of private improvement expenses time for the payment thereof or of any part or parts thereof, and may accordingly order the same to be repaid in one sum or by such instalments as the Corporation think fit, with such interest for the sum or sums for the time being unpaid as the Corporation may determine, not exceeding five pounds per centum per annum, but all sums for the time being remaining unpaid shall nevertheless at the expiration of the periods allowed for their repayment be recoverable as the same would have been recoverable had no such time been allowed, and with respect to any such instalment the time limited for the recovery of private improvement expenses shall be deemed to run only from the time when such instalment becomes due. Corporation may take payment of private improvement expenses by instalments.

**108.** Successive owners of the lands, houses, or other property for or in respect of which any private improvement expenses have been incurred shall be liable to the Corporation for the payment of the same or such part thereof as may for the time being remain unpaid until the same shall have been fully paid and satisfied, and such expenses, or such part thereof as may for the time being remain unpaid, shall constitute a debt due from each successive owner to the Corporation, recoverable from him in a summary manner within six calendar months of his succession, and after that period may be recovered by the Corporation from the owner for the time being of the lands, houses, or other property in any court of competent jurisdiction. Successive owners to continue liable.

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Power to  
apply dis-  
trict fund in  
executing  
works for  
private  
owners.

**109.** Whenever the Corporation are, by this Act or any bye-law for the time being in force within the borough, authorised to execute, re-execute, or alter any work, act, or thing in default of the owner, occupier, or other person required to do the same, and whenever the Corporation execute any works upon the application of or by agreement with the owner of the lands, houses, or other property for or in respect of which the same are to be executed, the Corporation may apply the district fund in or towards the executing, re-executing, or altering of such work, act, or thing, but this section shall not affect the liability of any such owner, occupier, or other person to repay the moneys expended by the Corporation.

Penalty on  
occupiers re-  
fusing execu-  
tion of Act.

**110.** In case the occupier of any house or part of a house prevents the owner thereof from carrying into effect in respect thereof any notice given by the Corporation under this Act, then, after notice of this provision given by the owner to the occupier, any justice, upon proof thereof, may make an order in writing requiring the occupier to permit the owner to execute the works required by such notice to be done; and if, after the expiration of seven days from the service of such order, the occupier continues to refuse to permit the owner to execute the said works, such occupier shall, for every day during which he so continues to refuse, be liable to a penalty not exceeding five pounds, and during the continuance of such refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Occupier in  
default of  
owner may  
execute  
works and  
deduct ex-  
pense from  
his rent.

**111.** Whenever default is made by the owner of any building or lands in the execution of any work required by any enactment or byelaw for the time being in force within the borough, the occupier of such building or lands may, with the consent of the Corporation, cause such work to be executed, and the expense thereof shall be repaid to such occupier by such owner, or such occupier may deduct the amount of such expense from the rent from time to time becoming due from him to such owner.

Value of  
existing  
sewer and  
streets to be  
allowed for.

**112.** In ascertaining the proportion to be paid by any owner of the expenses of freeing from obstruction, sewerage, draining, levelling, paving, or macadamising any street, or any part thereof, or in doing any of such works, 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 surveyor may make such allowance as he may think fit to any such owner, and the decision of the surveyor in every such case shall be binding and conclusive on all parties.

**113.** If any private improvement expenses payable by any owner or occupier be not paid on demand, the Corporation may, if they think fit, in addition to any other power they may have for the recovery thereof, recover the same either as a debt from such owner or occupier in any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner after duly summoning such owner, and any justice may issue his warrant accordingly.

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Recovery of private improvement expenses.

**114.** All private improvement expenses, notwithstanding that any rate shall have been made for the payment thereof, shall also be a charge on the building or lands to which the same relate, in priority to any incumbrance or charge on or affecting the same and created subsequently to the day on which the Corporation shall have commenced the works on account of which those expenses shall be payable, and the Corporation shall have the like rights and remedies in respect of such charge as if they were mortgagees with power of sale of such building or lands for the amount of such charge.

Private improvement expenses to be a charge on lands as if mortgaged.

**115.** If the owner of any building or lands so charged with any private improvement expenses fails, for the space of six months after the same become recoverable from him, to fully pay the same, or if any such owner is or becomes bankrupt, or is, after diligent inquiry, unknown to the Corporation or cannot be found by them, then and in every such case, and as often as the same happens, the Corporation (by way of additional remedy, and whether any action or suit or other proceeding against such owner has been brought by them or not) may, on or at any time, and from time to time after the expiration of one month from service of a notice on such owner, or, in the case where such owner is unknown or cannot be found, after the expiration of one month from the affixing of a notice on some conspicuous part of the said building or land, of their intention to put in force the powers of the present section, proceed as follows; (namely,)

Power to enter into possession, &c. where owner fails to pay his private improvement expenses.

- (1.) The Corporation may enter into receipt of and demand and receive from tenants and occupiers and persons liable the rents and profits of such building or lands, and in case of nonpayment may use all or any such lawful remedies, by way of distress or otherwise, for recovering and obtaining payment of the same, or any part thereof, as may be used by landlords in ordinary cases, and may do all things necessary or expedient for recovering and receiving the rents and profits as if they were the owners of the building or lands, and the tenants, occupiers, and persons liable shall pay the rents and profits to

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the Corporation; and the receipt of the treasurer, or of any officer of the Corporation appointed in that behalf, shall be, and shall alone be, an effectual discharge for the same..

(2.) Where any such building or lands is or are unoccupied or unproductive at the time when the Corporation would be entitled under this Act to enter into the receipt of the rents and profits thereof (if any), or at any time afterwards while the claim of the Corporation is unsatisfied, then and in every such case, and as often as the same happens, the Corporation may enter into possession of the building or lands, and may occupy, inclose, and use the same or any part thereof.

(3.) The Corporation may from time to time let from year to year, or for any shorter period, any such unoccupied or unproductive building or lands, or any part thereof, and receive the rents and profits thereof, as if they were the owners thereof.

Application  
of rents and  
profits re-  
ceived.

**116.** All rents and profits received in respect of any such building or lands as aforesaid shall be applied in the manner and in the order following; (namely,)

(1.) There shall be paid any chief rent payable in respect of the building or lands :

(2.) There shall be paid thereout all taxes, rates, assessments, expenses of repairs, and other outgoings properly payable by the owner in respect of the building or lands, except any chief rent, and all expenses incurred by the Corporation in relation thereto by reason or in consequence of the failure of the owner thereof to pay any such private improvement or other expenses as aforesaid :

(3.) There shall be paid the interest on all mortgages created prior to and subsisting at the date when the Corporation commenced the works on account of which private improvement expenses shall be payable : Provided that, in case any such mortgage shall include other property, a portion only of such interest on such mortgage shall be paid proportionate to the value of such building and lands, such portion to be agreed on between the mortgagee and the Corporation, or failing such agreement to be determined by two justices :

(4.) There shall be retained on behalf of the Corporation the amount which the owner is at the time of the commencement of such receipt by the Corporation liable to pay on account of such private improvement expenses as aforesaid, and interest in respect of the same building or lands, or any other building or lands in the same or any other street :

(5.) The surplus (if any) shall be paid to the owner, his representatives, or assigns.

(6.) Upon satisfaction of the private improvement expenses and all moneys payable under this section the Corporation shall cease (if in occupation) to hold possession of such building or lands, and, if the same be let, shall forthwith give due legal notice to determine the tenancy thereof. A.D. 1880.

117. Whenever the Corporation so enter into the receipt of the rents and profits or into possession of any such building or lands, then for and in respect of the period during which their claim against the owner is unsatisfied, as well after the termination of that period as during its continuance, the owner of the building or lands shall not have any right to receive any rents or profits of the building or lands, or have any interest therein except under the provisions of this Act directing the application of rents and profits received by the Corporation, and for and in respect of the period aforesaid, as well after its termination as during its continuance, every or any such right shall, as against any lessee of the building or lands, or other person taking through or under the Corporation, be by virtue of this Act absolutely extinguished. Right of Corporation to rents to exclude that of owner, &c.

118. All owners of buildings or lands, being tenants for life only, and all committees of the estates of lunatics, and all trustees seised, possessed, or entitled to any estate or interest, either at law or in equity, in any buildings or lands for or on behalf of any person or charity (all of whom are in this section included in the expression "mortgagor"), may charge such buildings or lands with such sum as may be necessary to defray the whole or any part of any private improvement expenses which the owners of such buildings or lands for the time being are liable to pay, and the expenses of making such charge, and for securing the repayment of such sum, with interest, may mortgage such buildings or lands for the term of twenty years unto or in trust for any person who shall advance such moneys, but so that every such mortgage be made with a condition to cease and be void, or with an express trust to be surrendered or assigned, when the money to be thereby secured, with all interest thereon, shall have been fully paid and satisfied, and so that in every such mortgage there be contained a covenant by the mortgagor to pay and keep down the interest of the money to be secured during his life, or the continuance of his interest therein, as the case may be, and to set aside, during such life or continuance, as the case may be, yearly, and every year following the execution of such mortgage, one twentieth part at least of the whole original sum secured by such mortgage, in such manner that no person afterwards becoming possessed of such buildings or lands, or of any estate or estate therein, shall be subject or liable to pay any larger arrear of interest than for six months previous to the time

Persons having partial interests may raise expenses by mortgage.

A.D. 1880. — when his title to possession shall accrue or commence, or any greater proportion of the original sum secured by such mortgage than the unexpired term of such mortgage doth or shall bear to the whole term mentioned, and the amounts annually set aside under the covenants of such mortgage shall be invested in Exchequer bills or other Government securities in the joint names of the mortgagor and the mortgagee, and shall accumulate until the whole amount secured by such mortgage can be paid off, or until the sum so accumulated shall be accepted by the mortgagee in discharge of the like amount of the principal sum secured by such mortgage, and every such mortgagee and his representatives and assigns shall have the like remedies in case of nonpayment of the moneys thereby secured as in the case of other mortgages of the like nature. If the mortgagor shall advance or pay the whole amount of the moneys so repayable as aforesaid he shall be deemed to be a mortgagee in respect thereof, and shall have the same rights and priority as a mortgagee would have under this section, and a certificate of such advance or payment under the hands of the treasurer shall be conclusive proof of the rights of such mortgagee to the extent of the amount certified for under this section.

Private improvement expenses to carry interest.

119. If any private improvement expenses be not paid within the period of fourteen days from the date of the demand thereof by the Corporation, they may, from the expiration of such period to the date of payment, charge interest thereon after such rate as they may determine, not exceeding five pounds per centum per annum, and such interest shall be added to and be deemed part of the private expenses, and be recoverable accordingly.

Saving for special contracts between landlords and tenants.

120. Nothing in this Act shall alter the liabilities respecting the payment of any rates or expenses made payable and recoverable by this Act, or any byelaw for the time being in force within the borough, of any owner and occupier, as between themselves, under any special contract relative thereto.

#### PART IX.—PARKS.

Power to lay out parks.

121. The Corporation may from time to time set apart and appropriate, as and for the purposes of parks, any lands belonging to or authorised to be acquired by them and not required for the purposes for which they were so acquired, and may from time to time for such purposes acquire, by agreement, lands or easements thereover, and may lay out, drain, fence, plant, ornament, and maintain parks, with all necessary or convenient approaches, roads, footways, lodges, buildings, and erections.

**122.** Any of the parks which may be without the borough shall, for all purposes of police, be deemed to be within and to form part of the borough, and shall be exempt from all payments to the county in respect of police matters.

—  
Parks outside borough to be deemed within it for police purposes.

**123.** The Corporation may, on any special occasion, but not exceeding twelve days in any one year, close any such park or place against the public, and may on such occasions admit to any such park or place the members of any society, or of any public or private institution, or persons being attendants at or supported by any public or private institution, or such other persons as the Corporation may think fit, and the admission of every individual to any such park or place on such occasions may be either with or without payment, as directed by the Corporation.

Power to close park on special occasions.

**124.** The Corporation may, from time to time, make and enforce byelaws for all or any of the following purposes with respect to parks; (that is to say,)

Byelaws as to parks.

For the removal from the parks of any person infringing any byelaw relating thereto :

For fixing the hours of closing the parks for the night :

For preventing the posting of bills or placards, and the writing, stamping, cutting, printing, drawing, or marking in any manner of any word or character, or of any representation of any object on any erection wall, railing, fence, tree, lamp-post, walk, pavement, or seat, or elsewhere in the parks :

For the preservation of order and good conduct among persons frequenting the parks :

For regulating the days on, and hours during which, and parts of the parks in which games, bands of music, or other music may be permitted :

For prohibiting bathing, angling, or fishing in, or the permitting any animal to enter, any lake, pond, or ornamental water in the parks :

For prohibiting the hunting, snaring, taking, destroying, injuring, molesting, or pursuing of any animal, fowl, or bird, or the seeking for, taking, or destroying of any bird's nest :

For permitting and regulating the sale of refreshments therein :

For regulating or preventing the admission of dogs thereto :

For prohibiting the use of bicycles, velocipedes, or other like mechanical contrivances in all or any of the parks, and for prescribing the park or parks in which, and the parts thereof in which, and the conditions on which, such contrivances may be used :

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For the prevention or restraint of acts or things tending to the injury or disfigurement of the parks, or anything in or on the same, or to interference with the use of the parks by the public for purposes of exercise or recreation.

PART X.—ELECTRIC LIGHTING.

Provisions as  
to electric  
lighting.

**125.** With respect to the production and supply of light, heat, and motive power by means of electricity, the following provisions shall have effect; (that is to say,)

(1.) The expression "place of public resort" means and includes any premises belonging to or used by the Corporation, whether as the municipal or as the sanitary authority, and any parks and streets under the control and management of the Corporation:

(2.) During a period of five years from the first day of September one thousand eight hundred and eighty, and for the purposes of lighting places of public resort, but for no other purpose, it shall be lawful for the Corporation within the borough (by way of experiment, but not for profit) to produce and supply light by means of electricity, and for that purpose to exercise any of the powers herein-after in this section mentioned, and subject to the provisions herein-after in this section contained; (that is to say,)

(i.) For any of the purposes of this section they may use any of the lands for the time belonging to or held on lease by them, and not by any Act specifically appropriated to any other purpose, or may purchase by agreement and take on lease any lands;

(ii.) They may upon any such lands erect and maintain any necessary workshops, engine-houses, store-houses (including places for generating or accumulating electricity for producing light), or other buildings necessary for any of the purposes of this section;

(iii.) They may manufacture, buy, or hire, and may use, any machinery, steam-engines, gas-engines, or other apparatus (including meters and fittings) necessary for the purposes of this section;

(iv.) Subject to the provisions of this section, they may buy any gas or fuel, or buy or rent any other motive power, and may buy or rent and sell or let any materials or articles necessary for the purposes of this section;

(v.) They may acquire licences (not being exclusive) for themselves or for any persons, companies, or corporations licensed or supplied by them for the use of any patented or protected processes, inventions, machinery, apparatus, methods, materials, or other things;

- (vi.) They may exercise for the purposes of this section, in the whole or any part of the borough, as to electric lighting, any of the powers which are vested in or exerciseable by a corporation or sanitary authority under the Acts relating to the Municipal Corporations or the Public Health Act, 1875, for lighting by oil or gas ;
- (vii.) They may exercise for the purposes of this section as to electric lighting any of the powers which under the provisions of any Act incorporating the Gasworks Clauses Act, 1847, or the Gasworks Clauses Act, 1871, might for the purposes of any gas undertaking, be exercised by the undertakers : Provided that if any injury shall arise to any railway or canal, or to any lands, property, stations, wharves, bridges, towing-path, or works of such railway or canal, or any unnecessary interruption to the traffic thereon respectively, by the exercise of such powers, the Corporation shall make full compensation to the railway or canal company so injuriously affected in respect of such injury or interruption, the amount of such compensation to be recoverable by such company or companies (as the case may be) from the Corporation, with the costs of recovering the same, by all and the same means as any simple contract debt is or may be recoverable ;
- (viii.) Generally they may do all things necessary and incidental to the purposes of this section :
- (3.) The provisions of this section shall extend to and in relation to the production and supply by the Corporation of heat or motive power by application of the electricity by which they produce or supply light under the provisions of this section, and such application is included in the expression electric lighting :
- (4.) All expenses from time to time incurred by the Corporation in carrying this section into effect shall be charged on, and all receipts received by the corporation under this section shall be carried to the credit of, the district fund :
- (5.) The Corporation may from time to time, for the purposes of this section, borrow at interest, on the security of the district fund and general district rates, such sum or sums as the Corporation from time to time find requisite, not exceeding in the whole the sum of ten thousand pounds, and they may mortgage the said fund and rates as a security for the repayment of money so borrowed, with interest, accordingly. The provisions of this Act relating to the borrowing, re-borrowing, and repayment of borrowed moneys shall extend and apply, mutatis

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mutandis, to the moneys borrowed under the powers of this section, except that the period for the repayment of such money shall be ten years from the passing of this Act :

(6.) The Corporation shall keep accounts in respect of electric lighting separate from all their other accounts, and shall in such accounts distinguish their expenditure on revenue or capital account, and shall apply all money from time to time received by them in respect of their electric lighting undertaking, except borrowed money, as follows ; (that is to say,)

First, in payment of their costs, charges, and expenses of and incidental to the borrowing of money under this section ;

Secondly, in payment of the working and establishment expenses and cost of maintenance of their electric lighting undertaking ;

Thirdly, in payment of the interest on money borrowed for the purposes of this section ;

Fourthly, in providing the requisite instalments or sinking fund for repayment of such borrowed moneys ;

Fifthly, in providing, if they think fit, a reserve fund by setting aside such money as they from time to time think reasonable, and investing the same and the resulting income thereof in securities in which they are by this Act authorised to invest sinking funds, and accumulating the same at compound interest until the fund so formed amounts to one thousand pounds, which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from their electric lighting undertaking, or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking, and so that if that fund is at any time reduced it may thereafter be again restored to the sum of one thousand pounds, and so from time to time as often as such reduction happens ;

And shall carry to the district fund any balance remaining in any year, and the annual proceeds of the reserve fund when amounting to one thousand pounds :

(7.) The money borrowed under this section shall be applied for the purposes for which it is authorised to be borrowed, and generally for objects to which capital money is properly applicable, and for no other purposes :

(8.) Nothing in this section shall authorise the Corporation to manufacture, sell, or supply gas :

(9.) Nothing in this section shall prevent any person, corporation, or company from doing on premises owned or occupied by

him or them anything for the purpose of producing electric light for use on such premises which he or they could have lawfully done if this Act had not passed : A.D. 1880.

(10.) Nothing in this section shall authorise the Corporation to interfere with any of the mains, pipes, or property of the Preston Gas Company without the consent of that company :

(11.) Nothing in this Act shall exempt the Corporation or their electric lighting undertaking from the provisions of any general Act relating to lighting by electricity, or other similar means, which may be passed in this or any future session of Parliament :

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

**126.** With respect to any work for the purpose of the production or supply of light, heat, or motive power by means of electricity done in pursuance of this Act, the following provisions shall have effect : Provisions for protection of Postmaster-General.

1. It shall not be lawful for the Corporation to do any such work whereby any telegraphic line of the Postmaster-General is or may be injuriously affected, and before any such work is done within ten yards of any part of a telegraphic line of the Postmaster-General the Corporation or their agents, not more than twenty-eight nor less than fourteen days before commencing such work, shall give written notice to the Postmaster-General specifying the course and nature of the work, including the gauge of any wire, and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said work :

2. Any difference which arises between the Postmaster-General and the Corporation or their agents with respect to any requirements so made shall be determined by the Board of Trade, whose decision shall be final, and sections thirty to thirty-two, both inclusive, of the Regulation of Railways Act, 1868, shall apply in like manner as if the Corporation or their agents were a company : 31 & 32 Vict. c. 119.

3. In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents, the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance

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continues, or, if the telegraphic communication is wilfully interrupted, not exceeding fifty pounds for every day on which such interruption continues :

4. Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate execution of the work was required to avoid an accident, or otherwise was a work of emergency, and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the work was done a notice of the execution thereof, stating the reason for executing the same without previous notice :
5. For the purposes of this section, a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected by such work or by any use made of such work :
6. For the purposes of this section, and subject as therein provided, sections two, eight, nine, ten, eleven, and twelve of the Telegraph Act, 1878, shall be deemed to be incorporated with this Act as if the Corporation were undertakers within the meaning of those sections, without prejudice, nevertheless, to any operation which the other sections of the said Act would have had if this section had not been enacted.

#### PART XI.—POLICE.

Bicycles, &c.

**127.** Every person who in any street shall ride, drive, or propel any bicycle, velocipede, or other similar mechanical contrivance on the footway, or at a greater speed than eight miles an hour or without carrying a bell, and after sunset also a lighted lamp, shall be liable to a penalty not exceeding forty shillings.

Omnibuses.

10 & 11 Vict.  
c. 89.

**128.** The provisions of the Town Police Clauses Act, 1847, with respect to hackney carriages, except section thirty-eight (what to be hackney carriages) shall, so far as the same are applicable for the purpose, extend and apply to omnibuses, and they shall be deemed to be hackney carriages accordingly ; and the Corporation may from time to time make and enforce byelaws for all or any of the following purposes ; (namely,)

For prescribing the line or lines of street to be taken by omnibuses in going from or to any point or points in their routes :

For regulating the time to be allowed for stopping at any starting point, terminus, or stopping place along their routes :

For preventing the drivers or conductors of omnibuses from loitering or stopping their omnibuses on the road longer than is necessary for the taking up or setting down of passengers :

For preventing the blowing of horns or other noisy instruments or the beating of drums by the driver or conductor of or any person travelling in or upon any omnibus :

For regulating the conduct of drivers and conductors of omnibuses and determining whether they shall wear any and what badges :

For regulating the manner in which the number of the omnibus corresponding with the number of its licence shall be displayed :

For securing the safe custody and redelivery of any property accidentally left in omnibuses, and fixing the charges to be made in respect thereof :

For prescribing or limiting the number of persons to be carried therein and thereon according to the size thereof :

For prescribing the number and securing the fitness of the animals to be employed to draw the omnibuses.

**129.** For the regulation of places for public dancing, or music, or other public entertainment of the like kind, the following provisions shall have effect ; (namely,)

Provisions as to places for dancing, music, and other public entertainments.

(1.) After the expiration of six months from the passing of this Act a house, room, or other place, whether or not licensed for the sale of wine, spirits, beer, or other fermented or distilled liquors, or a room, garden, or place, shall not be kept or used for public dancing, music, or other public entertainment of the like kind, or for billiards, bowls, skittles, or other game, without a licence for such one or more of the purposes for which the same respectively is to be used first obtained from the justices acting for the borough, for which licence the fee of five shillings shall be paid by the person applying for the same :

(2.) Such justices may, under the hands of a majority of them assembled, at any special session convened by fourteen days previous notice, grant licences to such persons as they think fit to keep or use houses, rooms, gardens, or places for all or some or one of the purposes aforesaid, upon such terms and conditions, and subject to such restrictions, as they by the respective licences determine, and every licence shall be in force for one year unless the same shall have been previously revoked as herein-after provided :

(3.) Such justices may from time to time, at any such special session aforesaid, transfer any such licence to such person as they think fit :

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- (4.) Each person shall in each case give seven days notice to the clerk of the justices and to the chief constable of the borough of his intention to apply for any such licence or for the transfer of any such licence :
- (5.) Any house, room, garden, or place kept or used for any of the purposes aforesaid without such licence first obtained shall be deemed a disorderly house, and the person occupying or rated as occupier of the same shall be liable to a penalty not exceeding five pounds for every day on which the same is kept and used for any of the purposes last aforesaid :
- (6.) There shall be affixed and kept up in some conspicuous place on the door or entrance of every house, room, garden, or place so kept or used and so licensed as aforesaid an inscription in large capital letters in the words following, "Licensed in pursuance of Act of Parliament for \_\_\_\_\_," with the addition of words showing the purpose or purposes for which the same is licensed :
- (7.) Any house, room, garden, or place so kept or used, although so licensed as aforesaid, shall not be opened for any of the said purposes except between the hours stated in the licence :
- (8.) The affixing and keeping up of such inscription as aforesaid, and the limitation of the hours of opening, shall be inserted in and made conditions of every such licence :
- (9.) In case of any breach or disregard of any of the terms, conditions, or restrictions upon or subject to which the licence was granted, the holder thereof shall be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding five pounds, and such licence shall be liable to be revoked by the order of any two justices :
- (10.) No notice need be given under sub-section (4) of this section when the application is for a renewal of an existing licence held by the applicant for the same premises :
- (11.) The justices in any petty sessions may, if and as they think fit, grant to any person applying for the same a licence to keep or use any house, room, garden, or place for any purpose within the meaning of this section for any period less than three months which they shall specify in such licence, notwithstanding that no notices shall have been given under sub-sections (2) and (4) of this section.

Informations,  
by whom  
to be laid.

**130.** All informations under or for the breach of any of the provisions of this part of this Act, or of the Town Police Clauses Act, 1847, as incorporated in the Public Health Act, 1875, may be laid by the town clerk or by the chief constable or chief superintendent of police of the borough.

PART XII.—LANDS.

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**131.** Subject to the provisions of this Act the Corporation may enter on, take, and use all or any part of the lands described in the deposited plans and book of reference which they may require for the purposes of this Act.

Power to Corporation to take lands referenced.

**132.** If any omission, or 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 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.

Correction of errors, omissions, &c.

**133.** The Corporation may discontinue and stop up any footways in or over any lands acquired by them under the powers of this Act, and described in the deposited book of reference, and marked on the deposited plans as intended to be stopped up, and thereupon all rights of way over such footways shall be extinguished, and the soil shall vest in the Corporation if and so far as they are the owners of the adjoining land on both sides.

Power to stop up footways.

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

Period for compulsory purchase of lands.

**135.** The Corporation may (in addition to the lands they are authorised to acquire and hold under the other powers of this Act) from time to time, by agreement, acquire in fee, either by purchase or by way of exchange or otherwise, any land not exceeding in the whole for the purposes of this Act, other than parks, five acres, and any easement, power, or privilege therein, thereunder, thereover, or thereupon (not being an easement or privilege of water), which shall be deemed necessary by the Corporation, but the Corporation shall not deal with such lands so as to create a nuisance.

Power to acquire additional lands by agreement.

A.D. 1880. **136.** The consideration for any such acquisition may be either money, or land, or any yearly sum or rentcharge, or other rent, or a mixed consideration of money and land, and on any exchange the Corporation may give or take any money for equality of exchange.

Consideration for such acquisition.

**137.** 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.

**138.** The Corporation may from time to time appropriate and use for any of the purposes of this Act any lands for the time being vested in them as a municipal or urban sanitary authority.

Corporation may use their own lands for purposes of Act.

**139.** Notwithstanding anything in the Lands Clauses Consolidation Act, 1845, the Corporation may retain, hold, and use for such time as they may 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 acquired by them under this Act, or acquired or authorised to be acquired under any provisional order, and may sell, exchange, or dispose of any rents reserved on the sale, exchange, lease, or disposition of such lands, 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.

**140.** The proceeds of the sale of any surplus lands or rents of the Corporation under the powers of this Act shall be applied only to purposes authorised by this Act, and to which capital moneys are applicable.

Proceeds of sale of surplus lands to be treated as capital.

**141.** Except as to lands acquired by the Corporation under this Act, nothing in this Act shall enable the Corporation to sell, alienate, encumber, or demise, without the approbation of the Commissioners of Her Majesty's Treasury signified in writing 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.

Lands in certain cases not to be sold without consent of Treasury.

PART XIII.—FINANCE.

142. With respect to rating and certain expenses in relation to sewerage in the part of the hamlet of Ashton, and in the parts of the township of Ribbleson and of the hamlet of Brockholes, respectively, which are added to the borough, the following provisions shall have effect; (that is to say,)

Rating, &c.,  
in Ashton,  
&c.

1. No part of the expense of constructing sewers in and for the said parts respectively shall be borne by the Corporation, but the Corporation shall permit all sewers already or hereafter to be constructed in and for the said parts respectively to be connected with the sewers of the Corporation without any charge for the user thereof, but at the cost of the part or parts for which such connection shall be made:
2. For the purpose of reimbursing themselves any cost they may from time to time incur in and in relation to the providing of any sewer requisite for such connexion, and which they cannot recover under the powers of section one hundred and fifty of the Public Health Act, 1875, the Corporation may from time to time make and levy in the said parts or part, as the case may be, such special district rates, and of such amounts, as will suffice to discharge the amount of such cost and the interest thereon within the period fixed for the repayment of the moneys borrowed for the payment of such cost: Provided, that in case any such sewer be constructed so as to be available for more than one of the said parts, such cost shall be apportioned between such of the parts as the sewer shall be so constructed for in such proportion as to the borough surveyor shall seem equitable, and the special district rates shall be made and levied accordingly:
3. Such special district rates shall be made, levied, and recovered in the same manner as and under and subject to the same provisions, incidents, and exemptions under and to which the general district rates are made and levied, and either as separate rates or with the general district rates, and the form of rate, and the form of precept set forth in the Sixth Schedule to this Act, may, if thought fit, be adopted accordingly:
4. If the Corporation shall commence to carry out any scheme for the disposition of the sewage of the borough, or for the construction of a sewage outfall, the said parts respectively shall in each case contribute thereto in like manner in all respects as other parts of the borough:

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5. The owners, lessees, and occupiers of all the following land ;  
(that is to say,)

All land lying between Pilkington Lane and the occupation road leading from Ashton Long Lane past the west side of Ashton House to Cottam Mill and a straight line drawn from the junction of the said occupation road with the occupation road leading to Ingol Lodge, in a south-westerly direction, to a point situate thirteen chains west of Pilkington Lane, measured along the highway leading from Pilkington Lane to a house known as "The Larches,"

shall have the right to connect the drains from any buildings erected on such land with, and to use free of cost, any sewer of the Corporation now existing or hereafter to be constructed in Pilkington Lane or the said first-mentioned occupation road, but all such connexions shall be made under the superintendence and to the reasonable satisfaction of the borough surveyor :

6. The rents and charges for and with respect to a supply of water shall be the same as those for the time being charged for a supply of water for the like purposes in the existing borough :
7. The general district rate (except in so far as the cost of the said sewage and outfall schemes, or either of them, may be charged thereon or paid thereout), and the borough rate, shall not in the following places, and for the following periods from the passing of this Act, exceed in respect of any one year the following sums in the pound on the rateable value of the premises assessed to those respective rates ; (that is to say,)

Name of Place.	Period for limited Rating.	Limit of General District Rate.	Limit of Borough Rate.
		s. d.	s. d.
Ashton -	10 years	1 6	0 6
Brockholes -	10 years	1 8	0 6
Ribbleton -	10 years	1 8	0 6

Provided that, so far as regards the parts of Ribbleton and Brockholes, such limit of any general district rate shall not take effect until, as regards the said township of Ribbleton, the Corporation shall have extended their sewer or sewers up to the existing boundary of the borough in either Ribbleton Lane or New Hall Lane, and as regards the said part of Brockholes the sewer or sewers shall have been extended to

the existing boundary thereof, but that meanwhile, and until such extensions respectively as aforesaid, the limit of any general district rate made and levied for the said parts respectively prior to such extensions respectively as aforesaid shall be one shilling and sixpence instead of one shilling and eightpence : A.D. 1880.

Provided, that if any scheme for the disposition of the sewage of the borough be completed before the expiration of the periods so respectively limited with respect to the said parts of Ribbleton and Brockholes, the limit of any general district rate (except as aforesaid) made and levied for the said parts subsequently to such completion shall, during the remainder of such periods, be one shilling and sixpence instead of one shilling and eightpence :

8. The general district rate, and the borough rate made, assessed, and levied on property within the said parts respectively for the last year of the period for limited rating therein, shall, as to so much of that year as shall follow the expiration of such period, be made, assessed, and levied after the same rate in the pound as in the other portion of the borough :
9. The rate to be levied for watching in each of the said parts respectively during the said respective periods shall not, as to any premises, exceed the rate charged therefor on those premises in such parts respectively at the passing of this Act :
10. No rate for defraying the expenses of executing the Acts relating to baths and washhouses shall, during the said respective periods, be levied in the said parts or any or either of them :
11. The Corporation may make and levy a general district rate on the said parts for the period which shall elapse between the first day of October one thousand eight hundred and eighty and the first day of May one thousand eight hundred and eighty-one, and such rate shall, subject to the provisions of sub-section seven of this section, be made and levied after the same rate in the pound as the general district rate made and levied on the existing borough on the first day of May one thousand eight hundred and eighty.

**143.** The Corporation may from time to time, in addition to any moneys they are now authorised to borrow, or which they may be authorised to borrow under the provisions of the Public Health Acts, or any public general Act, borrow at interest on the following securities, and for the following purposes, the following sums ; (that is to say,) Power to borrow.

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For the purposes of the public library and museum, on the security of the borough fund and borough rate, thirty thousand pounds :

For tramway purposes, on security of the tramway revenue and borough fund and borough rate, thirty-five thousand pounds :

For street works, on the security of the district fund and general district rates, fifty thousand pounds :

For purposes of and in relation to electric lighting, on security of the district fund and general district rates, ten thousand pounds :

and in calculating the sum the Corporation may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned, and the powers of the Corporation as to borrowing and re-borrowing shall not be restricted by any of the provisions of the Public Health Act.

Repayment  
of borrowed  
moneys.

**144.** The Corporation shall pay off all moneys borrowed by them under the powers of this Act either by yearly or half-yearly instalments, or by sinking funds, or partly by instalments and partly by sinking funds : Provided that, when the payment shall not be made by equal instalments, the instalment or instalments payable in each year, together with the interest payable in such year, in respect of the principal moneys of which such instalment or instalments form part, shall in every year amount to the same sum.

Sinking  
funds.

**145.** In order to discharge such of the moneys borrowed under the powers of this Act as are to be repaid by means of sinking funds, the following provisions shall, subject to the special provision as to the period for the repayment of money borrowed for the purposes of electric lighting, have effect ; (that is to say,)

The Corporation shall after ten years from the passing of this Act commence, and thenceforth in every year, appropriate and set apart out of the funds and rates on the security of which such moneys shall have been borrowed, such a sum as will, with the accumulations thereof by way of compound interest, be sufficient to pay off the whole of the principal moneys borrowed on such security within a period of sixty years from the expiration of such ten years :

The yearly sums so to be appropriated and set apart shall be invested from time to time, and accumulated in the way of compound interest by investing the same respectively in such securities as trustees are by law for the time being authorised to invest trust moneys in, or on security of mortgages, debentures, debenture stock, or annuity certificates granted or issued under any Act under which the Corporation are authorised to borrow money :

The Corporation may at any time apply the whole or part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart, in such order and manner as they deem proper: Provided that in such case they pay into such sinking fund in each year afterwards, and accumulate as hereinbefore prescribed, until the whole of the borrowed moneys to which such sinking fund is applicable are discharged, a sum equal to the interest produced by the sinking fund or part thereof so applied: Provided also, that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of such borrowed moneys then outstanding, the Corporation may, in lieu of investing the said yearly income, apply the same in payment of such interest, and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto:

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Any mortgages, debentures, debenture stock, or annuity certificates granted or issued by the Corporation, and in or upon which they shall invest any sinking fund, shall upon such investment be ipso facto cancelled.

**146.** 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 any sinking fund under this Act, transmit to the Local Government Board a return in such form, and verified in such manner, as that Board may from time to time prescribe, showing the amount which has been invested for the purposes of such sinking fund during the next year preceding the making of such return, and the description of the securities upon which the same has been invested, and the purposes to which any portion of the moneys invested for the sinking fund or the interest thereon has been applied during the same period, and the total amount (if any) remaining invested at the end of the year, and in the event of any wilful default in making such return the town clerk shall be liable to a penalty 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, or the interest thereof, to any other purposes 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, or applied by the Corporation as part of the

Annual  
return to  
Local Go-  
vernment  
Board with  
respect to  
sinking  
funds, &c.

A.D. 1880. sinking fund, and any such order may be enforced by Mandamus to be obtained by the Local Government Board, and the provisions of this section shall mutatis mutandis apply to instalments.

Power to re-borrow.

147. The Corporation may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal money borrowed under the powers of this Act on the same becoming repayable, and so toties quoties : Provided that the time for the repayment of any moneys so re-borrowed shall not be extended beyond the unexpired portion of the term for which the original loan is sanctioned.

Priority of existing mortgages.

148. Nothing in this Act shall prejudicially affect any charge on the corporate estates, or on any undertaking or fund of the Corporation, or on any tolls or rates receivable or leviable by them by way of mortgage, or otherwise subsisting at the passing of this Act ; and every mortgagee or incumbrancer or person for the time being entitled to the benefit of any such charge shall have the same priority of charge, and all the like rights and remedies in respect of the property subject to his charge, as if this Act had not been passed ; and all such charges created before the passing of this Act shall during the subsistence of such charges have priority over any mortgage or charge granted or created under this Act, on the same security.

Appointment of receiver.

149. Section forty-eight (receivers for mortgages) of the Act of 1861, and section twenty-nine (receiver) of the Act of 1869, are hereby repealed, without prejudice to any appointment made or proceedings taken thereunder prior to the passing of this Act, and the mortgagees of the Corporation may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages, by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than thirty thousand pounds in the whole.

Corporation not to regard trusts.

150. The Corporation shall not be bound to see to the execution of any trust, whether expressed or implied or constructive, to which any loan, or security for loan, given by them may be subject, but the receipt of the person in whose name any loan or security for loan stands in the register book of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof, notwithstanding any trusts to which such loan or security may be subject, and whether or not the Corporation have had express or implied notice of any such trust, or of any charge or

incumbrance upon or transfer of such loan or security or any part thereof, or interest thereon not entered in their register, and the Corporation shall not be bound to see to the application of the money paid in any such receipt or be answerable or accountable for any loss, misapplication, or non-application of any such money. A.D. 1880.

**151.** The Corporation may, if they think fit, borrow any moneys which they are by any or either of their former Acts, or by this Act, or by any Provisional Order, authorised to borrow under the powers and subject to the provisions of the Local Loans Act, 1875, by means of a loan or loans to be raised by the issue of debentures, debenture stock, or annuity certificates, or partly in one way and partly in another. Any moneys borrowed in manner by this section authorised for any of the purposes of either of their former Acts or Provisional Orders by the Corporation shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out if raised by way of mortgage under the powers of such last-mentioned Acts or Provisional Orders respectively, and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act, 1875. Every such loan shall be discharged within the time prescribed in that behalf by the Act or Order which authorised the borrowing of the moneys represented by such loan, and such discharge or any part thereof shall be effected by means of a sinking fund if the Corporation shall so think fit: Provided always, that if the Corporation at any time think fit to form any such sinking fund, all sums paid into the same shall be, as soon as may be, invested by the Corporation in the manner in which sinking funds are by this Act authorised to be invested or applied in paying off a portion of the principal moneys owing by the Corporation. The forms set forth or referred to in the Fifth Schedule to this Act may be used by the Corporation for the purposes of the Local Loans Act, 1875. Power to borrow under 38 & 39 Vict. c. 83.

**152.** All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except such of them as are to be paid out of borrowed money) shall be paid as follows; (that is to say,) Expenses of Act.

Sanitary expenses and electric lighting expenses out of the district fund and general district rates;

All other expenses out of the borough fund:

Provided that the amount of the rates to be levied in any one year for the purpose of maintaining the public library and museum, and the procuring books, newspapers, periodicals, maps, and works of art, industry, and science therefor, shall not exceed the sum of three halfpence in the pound.

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Rating of  
Lancaster  
Canal Navigation.

**153.** As regards any increase or addition which may be made to any rate or assessment under the authority or for the purposes of this Act, nothing in this Act shall deprive any lands or property of the Company of Proprietors of the Lancaster Canal Navigation (of the north end portion whereof the London and North Western Railway Company are lessees) not converted to or used for other than canal purposes, or that company and the said railway company, as such lessees, in respect thereof, of the partial exemption from parliamentary or parochial taxes, rates, or assessments conferred by the one hundred and eighteenth section of the Act of the thirty-second year of King George the Third, chapter one hundred and one, intituled "An Act for making and maintaining a navigable  
" canal from Kirkby Kendal, in the county of Westmoreland, to  
" West Houghton, in the county palatine of Lancaster, and also a  
" navigable branch from the said intended canal at or near Borwick  
" to or near Warton Cragg, and also another navigable branch from  
" at or near Gale Moss, by Chorley, to or near Duxbury, in the  
" said county palatine of Lancaster."

Separate  
accounts for  
sanitary purposes,  
&c.

**154.** The Corporation shall keep separate accounts on capital and revenue account of receipts and expenditure under this Act for the following purposes; (that is to say,)

- Public library and museum purposes;
- Sanitary purposes;
- Tramway purposes; and
- Electric lighting purposes;

and shall carry to the credit of each account all revenue received for the purposes to which it relates: Provided, that when any expenditure is incurred for purposes common to two or more accounts the Corporation may apportion the same between such accounts in such manner as they deem equitable.

Poor rate  
books may  
be inspected  
by Corporation.

**155.** The Council may cause all or any of the books of assessments of rates for the relief of the poor within the borough, or the valuation lists for the townships wholly or in part within the borough, to be inspected by their proper officer, and may cause a copy thereof or of any part thereof to be taken without payment, and if any person in whose custody or power any such book of assessment or valuation list is or ought to be fails, when required, to permit such officer to inspect the same respectively, or to permit the Council to cause to be taken a copy thereof or of any part thereof, he shall be liable to a penalty not exceeding fifty pounds.

Assessments  
to poor rate  
in added part

**156.** The overseers of all townships part of which only are within the borough shall, in making any assessments of rates for the

relief of the poor after the passing of this Act, keep that portion of their assessment which relates to property within the borough separate and distinct from the other portion outside the borough, and in default thereof shall be liable to a penalty not exceeding fifty pounds.

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—  
of townships  
to be separate.  
rate.

**157.** The Corporation may make any rate prospectively in order to raise money to pay expenses to be incurred after the making of the rate, or retrospectively in order to raise money to pay expenses incurred before the making of the rate, whether before or after the commencement of this Act, or partly prospective and partly retrospective.

Rates may  
be prospec-  
tive or retro  
spective.

**158.** The owner instead of the occupier of property the rateable value of which does not exceed twelve pounds may, from time to time, at the option of the Corporation, be rated to any rate made by them, and the owner so rated shall be entitled to a deduction of ten per centum upon the rates when paid by him, if he shall pay the same within twenty-one days after the same shall have been demanded: Provided also, that where an owner pays any rate to the Corporation the occupier shall, in the absence of any agreement to the contrary, repay him the amount thereof, and such amount if not so repaid on demand may be recovered as though the same were arrears of rent owing by such occupier to such owner.

Owner may  
be rated  
instead of  
occupier in  
certain cases.

**159.** Proceedings in a court of summary jurisdiction for the recovery of moneys payable for private improvement expenses, and for the recovery of any rate or water rent payable to the Corporation, may be commenced at any time within twelve calendar months from the time when demand thereof is first made or served by the Corporation by or upon the person against whom such proceedings are taken.

Extension of  
time for sum-  
mary pay-  
ment of rates,  
&c.

**160.** The Corporation may, if they think fit, make, assess, levy, collect, and recover the borough rate in the same manner as and with and under the same provisions (except as to exemptions from and reductions in the assessment) with which they make, levy, assess, collect, and recover the general district rates, and they may, if they think fit, make, assess, levy, collect, and recover the general district rate in the same manner and with and under the same provisions with which they may make, assess, levy, collect, and recover the borough rate, but subject to the exemptions from and the reductions in the assessment to which the general district rate is for the time being liable, and they may so make, assess, levy, collect, and recover the same rates either as separate rates or together. Any such rate or rates so made may be in the forms given in the Sixth Schedule to this Act or to the like effect, and the demand note for the same may include both such rates.

Borough  
rate may be  
levied with  
district rates.

A.D. 1880. PART XIV.—MISCELLANEOUS PROVISIONS AS TO BYELAWS AND  
LEGAL PROCEEDINGS.

Deputies  
may be ap-  
pointed by  
town clerk,  
&c.

**161.** The town clerk, the treasurer, and the surveyor respectively may, from time to time, with the approval of the Corporation, appoint a deputy, and delegate to him the performance of all or certain of the duties of the office to which such town clerk, treasurer, and surveyor is appointed, and the acts of such deputy within the terms and during the continuance of such appointment shall be valid accordingly.

Town clerk  
may take  
proceedings  
in bank-  
ruptcy.  
32 & 33 Vict.  
c. 71.

**162.** The town clerk may institute and prosecute all such proceedings in bankruptcy under the Bankruptcy Act, 1869, or any Act amending or substituted for the same, as may be necessary to procure to be adjudged a bankrupt any person against whom the Corporation may have any claim or demand as though such claim or demand were the claim or demand of the town clerk and not of the Corporation.

Form and  
service of  
notices by  
Corporation.

**163.** Any instrument or document (including any notice, order, resolution, declaration, adjudication, requisition, consent, approval, disapproval, demand, determination, appointment, list, roll, register, return, form, paper, or other document) made, given, delivered, or served under this or any other Act or any byelaw by the Corporation may be either in print or in writing (including lithograph) or partly in print and partly in writing (including lithograph), and shall be sufficiently authenticated by the name of the town clerk, of the treasurer, or of the surveyor, or other proper officer (according to the subject of the particular instrument or document) being affixed thereto in print or in writing (including lithograph), or by a stamp on behalf of the Corporation, and it shall be sufficient in all cases where any such instrument is required to be given to or served on the owner or occupier of any property to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the property (naming it) in respect of which it is given or served, without further name or description, and any such instrument may be addressed to owners or occupiers of any number of adjoining or neighbouring properties collectively, and when so addressed may be served on more owners or occupiers than one (so that separate copies be served on the respective owners and occupiers of the several properties concerned), and any such instrument or document may be served on any owner, occupier, or other person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate of his last known or usual place of abode or business, or in case of an occupier of such property (being a building) to any inmate of

such building, or if the property is unoccupied, and the place of abode of the person to be served is after diligent inquiry unknown, it shall be sufficient to affix it, or a copy thereof, upon some conspicuous part of such property. Any instrument so served by post as aforesaid shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the instrument or document was properly addressed and posted: Provided always, that in the case of a railway company any such instrument or document shall be delivered or sent by post addressed to the secretary to the company at their principal office or place of business.

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**164.** All byelaws from time to time made by the Corporation under the powers of this Act, and not being byelaws relating to tramways, shall be made under and according to the provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-seven (both inclusive) of the Public Health Act, 1875: Provided that all byelaws may be partly in print and partly in writing (including lithograph).

General provisions as to byelaws.

**165.** Where any damages or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned, the amount of such damages or charges, in case of dispute respecting the same, may be settled and determined by the justices before whom any offender is convicted, and may be levied by distress.

Damages and charges in case of dispute to be settled by justices.

**166.** When any compensation, costs, damages, or expenses is or are by this Act directed to be paid, and the method for determining the amount thereof is not otherwise provided for, such amount shall, in case of dispute, be ascertained in the manner provided for by the Public Health Acts.

Compensation how to be determined.

**167.** The Corporation, when they are required by any enactment to make compensation to any person interested in any lands, may, by agreement with such person, make such compensation, wholly or partly, in works, land, or money.

Compensation may be in land, &c.

**168.** The repeal by this Act of any enactment shall not, unless so expressly provided, affect the validity, invalidity, effect, or consequence of anything already done or suffered, or any existing status or capacity, or any right acquired or accrued, or any debt owing to or by the Corporation, or any penalty incurred, or any remedy or proceeding in respect of such right, debt, or penalty, or the proof of any past act or thing.

Saving from effect of repeal.

**169.** Any person offending against any of the preceding provisions contained in this Act shall, except as otherwise provided,

Penalty.

A.D. 1880. — forfeit and pay for every such offence a penalty not exceeding five pounds, and in case of a continuing offence a daily penalty not exceeding forty shillings.

Proceedings  
for summary  
convictions  
and appeals.

**170.** Proceedings with a view to the summary conviction of offenders under this Act or under any byelaw of the Corporation under this Act, or to the recovery of penalties (except when otherwise expressed), or of any money or expenses authorised to be recovered summarily, or any order to be made by justices under this Act or any such byelaw, shall be taken according to the provisions of the Summary Jurisdiction Acts.

Power to  
appeal.

**171.** Any person deeming himself aggrieved by any order or determination of the Corporation, or of any officer or valuer of the Corporation, or by any conviction or order made by a court of summary jurisdiction under any provision of this Act, may appeal (but in cases where application for relief is authorised to be made to the Corporation then only after such application) to the next practicable court of quarter sessions, under and according to the provisions of section two hundred and sixty-nine of the Public Health Act, 1875.

Recovery of  
sums by  
action.

**172.** Whenever any person neglects to pay any rent, rate, or sum due to the Corporation under this Act, the Corporation may recover the same, with full costs of suit, in any court of competent jurisdiction for the recovery of debts of the like amount, and the remedy of the Corporation under this enactment shall be in addition to their other remedies for the recovery of such rent, rate, or sum.

Proceedings  
against  
several per-  
sons for the  
same offence.

**173.** Where proceedings under this Act are to be taken against several persons in respect of one offence caused by their joint act or default, the Corporation may, if they think fit, include them in one complaint, and a justice may, if he thinks fit, include them in one summons, and any order made in such a case may be made on all or any one or more of the persons included in the summons, and the costs may be distributed as to the justices appears fair.

Proceedings  
against one  
or more of  
joint owners  
or occupiers.

**174.** In case of any demand or complaint under this Act to which two or more persons, being owners or occupiers of lands, or partly the one or partly the other, are answerable jointly, it shall be sufficient to proceed against any one or more of them without proceeding against the others or other of them; but nothing in this Act shall prevent the parties so proceeded against from recovering contributions in any case to which they would be entitled by law to contribution if this Act had not been passed.

**175.** Any summons or warrant issued for any purpose of this part of this Act may contain in the body thereof, or in a schedule thereto, several names and several sums. A.D. 1880.  
Several sums  
in one sum-  
mons.

**176.** The Corporation may direct any prosecution or proceeding against any person for any offence against the former Acts or this Act, or any matter arising thereunder respectively. Power to  
order prose-  
cutions, &c.

**177.** Where the doing of any act or thing is made punishable by this Act, or by any byelaw thereunder, the causing, procuring, aiding, or abetting such act or thing to be done shall be punishable in like manner, if the nature of the case permits, and if an intention to the contrary does not appear in the enactment or byelaw creating the offence. Punishment,  
of abettors,  
&c.

**178.** Where by this Act any pecuniary penalty or other punishment is imposed in respect of any offence described therein, then and in every such case, if the nature of the case permits, and if an intention to the contrary does not appear in this Act, such penalty or punishment may be inflicted for every repetition of such offence. Penalties on  
repetition of  
offences.

**179.** If any person charged with any offence against any of the former Acts or this Act, or any byelaw thereunder respectively, refuses to disclose his name, all the necessary proceedings may be had and carried on against him for the recovery of any penalty, forfeiture, or damage imposed or incurred by the description of his person and of the offence committed, without stating his name, or, if one only of his names is known, all necessary proceedings may be had and carried on against him by such name only. Proceedings  
when  
offender  
refuses to  
state his  
name.

**180.** The justice before whom any person is convicted of any offence may transmit the conviction to the next court of quarter sessions, there to be kept by the proper officer among the records of the court, and on the prosecution of any person for any subsequent offence a copy of such conviction, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and such conviction shall be presumed not to have been quashed on appeal until the contrary is shown. Evidence of  
previous con-  
victions.

**181.** Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings, or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act. Saving for  
indictments,  
&c.

- A.D. 1880. **182.** Any justice who issues a warrant of distress for any purpose of this Act may order that the costs of and incidental to the recovery of the money to be levied be paid by the person liable to pay that money, and the costs shall be ascertained by the justice and shall be included in the warrant of distress for recovery of the money.
- Costs of distress.**
- 183.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate or other charge under this Act.
- Judges, &c. not disqualified.**
- 184.** All powers, rights, and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers conferred on them by Act of Parliament, law, or custom, and the Corporation may exercise such other powers as if this Act had not been passed: Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.
- Powers of Act cumulative.**
- 185.** 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 paid by the Corporation as to one moiety thereof out of the borough fund, and as to the other moiety thereof out of the district fund or any other of the public funds or rates, or in the like proportion out of moneys borrowed under the powers of this Act, and shall be debited to such accounts as the Corporation shall think fit.
- Expenses of Act.**

SCHEDULES referred to in the foregoing Act.

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THE FIRST SCHEDULE.

The borough as extended shall include within its boundary, as shown on the borough plan and ward plan, the following townships and parts of townships and places; (that is to say,)

The existing municipal borough.

So much of the hamlet of Ashton in the township of Lea, Ashton, Ingol, and Cottam, in the parish of Preston, as lies within the following boundary line; (that is to say): A line commencing in the centre of the bed of the river Ribble at the westernmost point of the existing borough, running thence along the centre of the bed of that river to a point where the west side of a lane leading from the said river past and on the west side of a house known as The Willows would, if continued, meet the centre of the said river, thence to the west side of the said lane and along that side to the point where it joins Ashton Long Lane, thence across Ashton Long Lane to a point where the western side of an occupation road leading from Ashton Long Lane past the west side of Ashton House to Cottam Mill meets Ashton Long Lane, and thence along the west side of the said occupation road to the point where the said occupation road crosses the boundary between the said hamlet of Ashton and the hamlet of Ingol, and thence in an easterly direction along the boundary between the said two hamlets of Ingol and Ashton to the point where such boundary of the said two hamlets meets the north-western boundary of the borough.

So much of the township of Ribbleson in the parish of Preston, and of the hamlet of Brockholes (forming part of the township of Grimsargh-with-Brockholes) in the parish of Preston, as lies within the following boundary line; (that is to say): A line commencing in the centre of the bed of the river Ribble at the easternmost point of the existing borough, running thence along the centre of the bed of that river to the south side of the bridge which carries the road of the Preston and Blackburn trust over the said river, thence running along the south side of the said bridge and the south side of the said road to the point opposite to where the old roadway leading to and past Lower Brockholes farmhouse joins the said road, and thence northward across the said road and old roadway at their junction aforesaid to the south-east corner of Brockholes Wood, thence northward along the eastern fence of the said wood to its junction with the said old roadway, thence northward across the said old roadway to the north-east side thereof, and thence running along the north-east side of the said old roadway to the point where it joins a new road leading from the highway from Preston to Longridge, and thence running along the north-east side of that road to the east side of the said highway, and thence along the east side of that highway to the point where it crosses the boundary between the townships of Fulwood and Ribbleson, thence in a westward direction along that boundary to the point where it meets the boundary of the existing borough.

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## THE SECOND SCHEDULE.

Part I.—*Names and Boundaries of Wards forming extended Borough as shown on the borough plan and ward plan.*

### ST. JOHN'S WARD

Includes all such portion of the borough as lies within a line drawn from the north-east corner of Glover's Court in an easterly direction along and including the south sides of Fishergate and Church Street to the north-west corner of Stanley Street, and from thence along and including the south-west side of Stanley Street and the west side of London Road to the nearest point of the river Ribble, and from thence along the course of the river in a south-westward, westward, and north-westward direction to a point where the boundary line of the townships of Preston and Fishwick commences, thence eastwardly along the said boundary line to a point where the centre line of Frenchwood Street, if continued in a southerly direction would meet such boundary line, thence northward along such centre line to Frenchwood Street, and along and including the east sides of Frenchwood Street, Glover Street, and Glover's Court to Fishergate.

### PARK WARD

Includes all such portion of the borough as lies within a line drawn from the south-east corner of Cheapside in an easterly direction along and including the north sides of Fishergate and Church Street to Ribbleton Lane, and from thence along and including the north-west side of Ribbleton Lane, thence along and including the west side of Deepdale Road to the point where the northern side of the railway from Preston to Longridge, known as the Fleetwood, Preston and West Riding Junction Railway, passes under the said road, thence eastward across the said road and along the northern side of the said railway to the boundary line which separates the township of Preston from the township of Ribbleton, thence northward along such boundary line to the point where such boundary meets the boundary line of the township of Fulwood, thence westward along the boundary line which separates the township of Preston from the township of Fulwood to the point where such boundary line meets the road known as the Preston and Garstang turnpike road, thence southward along and including the east sides of the said road, Moor Lane, Friargate, and Cheapside to Fishergate.

### FISHWICK WARD

Includes all such portion of the borough as lies within a line drawn from the north-east corner of Stanley Street along and including the north-east sides of Stanley Street and London Road to the nearest point of the river Ribble, and from thence along the course of the said river in a south-east, eastward, northward, eastward and northward, direction, to the south side of the bridge which carries the road of the Preston and Blackburn trust over the said river, thence running along the south side of the said bridge and the south side of the said road to the point opposite to where the old roadway leading to and past Lower Brockholes farmhouse joins the said road, and thence northward across the said road and old roadway at their junction aforesaid to the south-east corner

of Brockholes Wood, thence northward along the eastern fence of the said wood to its junction with the said old roadway, thence northward across the said old roadway to the north-east side thereof, and thence running along the north-east side of the said old roadway to the point where it joins a new road leading from the highway from Preston to Longridge, and thence running along the north-east side of that road to the east side of the said highway, and thence along the east side of that highway to the point where it crosses the boundary line between the townships of Fulwood and Ribbleton, thence in a westward direction along that boundary line to a point where it meets the boundary line of the township of Preston, thence southward along the boundary line which separates the township of Ribbleton from the township of Preston to the point where that boundary line meets the railway from Preston to Longridge, known as the Fleetwood, Preston, and West Riding Junction Railway, thence westward along the northern side of the said railway to the point where such northern side meets the east side of Deepdale Road, thence southward along and including the said east side of Deepdale Road and the south-east side of Ribbleton Lane to the said north-east corner of Stanley Street.

#### CHRIST CHURCH WARD

Includes all such portion of the borough as lies within a line drawn from the south-east corner of Bridge Street along and including the south sides of Bridge Street, Bridge Lane, and Marsh Lane to the nearest point of the river Ribble, and from thence along the course of the river in a southward, north-eastward, and eastward direction to a point where the boundary line of the townships of Preston and Fishwick commences, thence eastward along the said boundary line to a point where the centre line of Frenchwood Street, if continued in a southerly direction, would meet such boundary line, thence northward along such centre line to Frenchwood Street and along and including the west sides of Frenchwood Street, Glover Street, Glover's Court, across Fishergate, along and including the west sides of Cheapside and Friargate, to the said south-east corner of Bridge Street.

#### MAUDLAND WARD

Includes all such portion of the borough as lies within a line drawn from the north-east corner of Bridge Street, along and including the north sides of Bridge Street, Bridge Lane, and Marsh Lane, to the nearest point of the river Ribble, and from thence along the course of the river in a north-west and westward direction to a point where the west side of a lane leading from the said river past and on the west side of a house known as "The Willows" would, if continued, meet the centre of the said river, thence to the west side of the said lane, and along that side to the point where it joins Ashton Long Lane, thence across Ashton Long Lane to a point where the western side of an occupation road leading from Ashton Long Lane past the west side of Ashton House to Cottam Mill meets Ashton Long Lane, and thence along the west side of the said occupation road to the point where the said occupation road crosses the boundary between the said hamlet of Ashton and the hamlet of Ingol, and thence in an easterly direction along the boundary between the said two hamlets of Ingol and Ashton to the point where such boundary of

A.D. 1880. the said two hamlets meets the boundary line of the township of Preston, thence southward along the said boundary line of the township of Preston to the south-western side of the Lancaster Canal, thence along such side of the said canal to Fylde Road, thence along and including the south-western sides of Fylde Road and Fylde Street and the western side of Friargate to the said north-east corner of Bridge Street.

#### SAINT PETER'S WARD

Includes all such portion of the borough as lies within a line drawn from the south-east corner of Adelphi Street in a northerly direction, along and including the west sides of Moor Lane and the road known as the Preston and Garstang turnpike road, to the boundary line which separates the township of Preston from the township of Fulwood, thence westward along the said boundary line to the point where it meets the boundary line of the township of Lea, Ashton, Ingol, and Cottam, thence southward along the boundary line which separates the township of Preston from the said township of Lea, Ashton, Ingol, and Cottam to the south-western side of the Lancaster Canal, thence along such side of the said canal to Fylde Road, thence along and including the north and east sides of Fylde Road and the north side of Fylde Street to the said south-east corner of Adelphi Street.

#### Part II.—*Regulations respecting Number, &c., of Aldermen, Councillors, &c.*

1. The borough shall continue to have twelve aldermen and thirty-six councillors.

2. For the purpose of the burgess lists, burgess roll, and other lists to be made after the passing of this Act under the provisions of the Municipal Corporations Acts the added part of the borough shall be deemed to have always formed part of the borough.

3. As regards the existing wards, the alterations of the boundaries thereof shall be deemed to take effect as from and immediately after the thirtieth day of June one thousand eight hundred and eighty; but all proceedings for elections of councillors before the first day of November one thousand eight hundred and eighty shall be taken as if the boundaries of those wards remained unaltered.

4. The councillors of the existing Trinity Ward, and of the existing Saint George's Ward, shall be the councillors for the Park Ward and the Maudland Ward respectively.

5. All the retiring aldermen and councillors shall, if duly qualified, be eligible for re-election.

6. The mayor of the borough shall be elected on the ninth day of November one thousand eight hundred and eighty from and out of the aldermen and councillors of the borough.

7. Subject to the regulations of this schedule, all elections, vacations of office, and rotations shall be governed by the Municipal Corporations Acts.

### THE THIRD SCHEDULE.

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#### *Provisions as to Engines on Tramways.*

Every engine used on the tramways shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating, and for bringing such engine and any carriage drawn or propelled by such engine to a stand, as the Board of Trade may from time to time think sufficient.

Every engine used on the tramways shall have its number shown on some conspicuous part thereof, and shall be fitted—

With an indicator by means of which the speed shall be shown ;

With a suitable fender to push aside obstructions ;

With a special bell, whistle, or other apparatus to be sounded as a warning when necessary ; and

With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of machinery, and the machinery shall be concealed from view at all points above four inches from the level of the rails, and all fire used on such engine shall be concealed from view.

Every carriage used on the tramways shall be so constructed as to provide for the safety of passengers, and for their safe entrance to, exit from, and accommodation in such carriage, and their protection from the machinery of any engine used for drawing or propelling such carriage.

The Board of Trade shall on the application of the Corporation, and may on complaint made by any person, from time to time inspect any engine or carriage used on the tramways and the machinery therein, and may, whenever they think fit, prohibit the use on the tramways of any such engine or carriage which in their opinion may not be safe for use on the tramways.

The speed at which engines and carriages may be drawn or propelled along the tramways shall not exceed the rate of eight miles an hour.

The speed at which engines and carriages may pass through movable facing-points shall not exceed the rate of four miles an hour.

*Certificate of Disease, &c.*

To the Corporation of the Borough of Preston. Pursuant to the above-mentioned Act, I hereby certify and declare that in my opinion the under-mentioned person is suffering from a disease within the terms of such Act.

Dated the                      day of                      18                      .

(Signed)

Name of person suffering from the disease

Situation of the building wherein such }  
person is - - - - - }

Name of occupier or other person having  
the charge, management, or control of  
the building or room - - -

Nature of disease - - - -

NOTE.—This certificate must (under penalty of ten pounds in case of neglect) be forthwith sent to the medical officer of health of the Corporation, at his residence or office.

*Form of Certificate of Debenture Stock.*

Certificate No.	Amount £
1	100
2	200
3	300
4	400
5	500
6	600
7	700
8	800
9	900
10	1000

Registered No.

**This is to certify that**

of \_\_\_\_\_ is registered in the books  
of the mayor, aldermen, and burgesses of the borough of Preston, in the county  
of Lancaster, as the proprietor of \_\_\_\_\_ pounds sterling Corporation  
debenture stock, created by virtue of the Preston Improvement Act, 1880,  
bearing interest at the rate of \_\_\_\_\_ pounds per centum  
per annum, payable half-yearly on the first day of July and the first day of  
January in each year, the first payment to be made on the  
day of \_\_\_\_\_ next.

Given under the common seal of the mayor, aldermen, and burgesses of the borough of Preston, in the county of Lancaster, this . day of .

NOTE.—This stock certificate must be deposited with the deed of transfer, whether for the whole or any portion thereof, before a new certificate can be issued in exchange.

**All certificates will bear the common seal of the Corporation.**

A.D. 1880.

FORM OF TRANSFER OF DEBENTURE STOCK.

I \_\_\_\_\_ of \_\_\_\_\_ in consideration of  
the sum of \_\_\_\_\_ paid to me by \_\_\_\_\_  
of \_\_\_\_\_ do hereby transfer to \_\_\_\_\_ (herein-after  
called the transferee) the sum of \_\_\_\_\_ Preston Corporation Deben-  
ture Stock, with all interest due and to become due thereon, to hold unto the  
transferee, his executors, administrators, and assigns, subject to the several  
conditions on which I hold the same at the time of the execution hereof; and I,  
the transferee, do hereby agree to take the same Debenture Stock subject to  
the same conditions.

As witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_ in the year  
of our Lord 18 \_\_\_\_\_.

L.S.

L.S.

THE SIXTH SCHEDULE.

FORM OF RATE.

An assessment to the general district and borough rate under the Preston  
Improvement Act, 1880, made the \_\_\_\_\_ day of \_\_\_\_\_ one thousand  
eight hundred and \_\_\_\_\_.

No. of Assess- ment.	Name of the Person to be Rated.		Description of Property.	Situation of Property.	Rateable Value.	Borough Rate at _____ in the £.	General District Rate at _____ in the £.	Total Rate to be Col- lected.
	Owner.	Occupier.						

[Ch. cxviii.] *Preston Improvement Act, 1880.* [43 & 44 VICT.]

A.D. 1880.

FORM OF PRECEPT.

Borough of Preston } To the overseers of the poor of the township of  
to wit. }

These are to require you to pay or cause to be paid on or before the  
day of into the hands of the treasurer of the  
said borough appointed to receive the same, the sum of pounds,  
being the amount of the several and respective sums of money hereunder set  
down and expressed opposite to and against the name of the township of  
, the said sum being charged and assessed thereon as the propor-  
tion of the said township towards the rates at  
in the pound respectively made at a meeting of the Town Council of the said  
borough held on the day of

Signature of Town Clerk.

Name of Township.	Borough Rate at in the pound.	General District Rate at in the pound.	Total.