



CHAPTER lxxvii.

An Act to give effect to an agreement for the transfer to the Corporation of Lancaster of the Lancaster Gas Company's Undertaking, and to authorise the Corporation to make Street Improvements and to borrow Moneys; and for other purposes. A.D. 1880.  
[19th July 1880.]

WHEREAS the following Acts relating to the borough of Lancaster (herein-after in this Act referred to as "the borough") have been passed and are wholly or partly in force; (that is to say),

Descriptions or Short Titles of former Acts.	Herein-after in this Act referred to as—	
5 Geo. IV. cap. lxvi. entitled "An Act for lighting, watching, paving, cleansing, and improving the streets, highways, and places within the Borough and Town of Lancaster, in the County Palatine of Lancaster."	The "Act of 1824."	
The Lancaster Waterworks and Gas Act, 1852	The "Act of 1852."	15 & 16 Vict. c. lxxii.
The Lancaster Waterworks and Gas Amendment Act, 1855.	The "Act of 1855."	18 & 19 Vict. c. xlii.
The Lancaster Local Board of Health Act, 1864	The "Act of 1864."	27 & 28 Vict. c. cviii.
The Lancaster Water and Improvement Act, 1876	The "Act of 1876."	39 & 40 Vict. c. clxxxvi.

All of which Acts are herein-after in this Act referred to collectively as "the former Acts":

And whereas by the Lancaster Gas Company's Act, 1856, the Lancaster Gaslight Company was incorporated under the name of the Lancaster Gas Company (in this Act called "the company") for the manufacture and supply of gas within and near the borough: 19 & 20 Vict. c. vi.

And whereas by the Lancaster Gas Act, 1879, further powers were conferred upon the company: 42 & 43 Vict. c. cxxxvi.

And whereas under the powers of the Lancaster Gas Company's Act, 1856, the mayor, aldermen, and burgesses of the borough (in this Act called "the Corporation") and the company, on the ninth

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day of May one thousand eight hundred and seventy-nine, entered into an agreement for the transfer to the Corporation of the company's undertaking (except as therein excepted), and the said agreement was scheduled to and confirmed by the Lancaster Gas Act, 1879 :

And whereas it is expedient that provision should be made for giving effect to the said agreement :

And whereas it is expedient that powers should be conferred upon the Corporation for the provision and supply of light by electricity within the limits within which they may be authorised to supply gas :

And whereas it is expedient that the Corporation should be authorised to make the street and other improvements in this Act mentioned :

And whereas plans and sections showing the lines, situations, and levels of the improvements authorised by this Act, and also books of reference to such plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Lancaster, and are in this Act respectively referred to as the deposited plans, sections, and books of reference :

And whereas estimates have been prepared for the purchase of land for and the execution of the works by this Act, the former Acts, and the Lancaster Gas Act, 1879, authorised, and for the other purposes of this Act, or for which money is by this Act authorised to be borrowed, and such estimates are as follows ; (that is to say,)

For gas and lighting purposes, one hundred and twenty thousand pounds ;

For waterworks purposes, fifteen thousand pounds ;

For markets and slaughter-house purposes, ten thousand pounds ;

For street improvements, fourteen thousand five hundred pounds ;

For town hall and municipal buildings, ten thousand pounds :

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

38 & 39 Vict.  
c. 55.

And whereas it is expedient to make further regulations with respect to markets and slaughter-houses within the borough :

And whereas the Corporation are or claim to be seised as in fee (but subject as herein-after mentioned) of divers lands within the borough, which lands have from time immemorial been let from time to time at small customary rents on leases for forty-one years,

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renewable by the lessees at the same rents on payment of a fine equal to twenty times the amount of such rent for one year: A.D. 1880.

And whereas the annual value of such rents and fines is very small and does not increase, and it has been found that the leaseholders are in many cases willing to purchase the reversion in fee and the rents of their leaseholds for sums exceeding the value to the Corporation of such rents and fines, and it would be of great advantage to the Corporation if they were enabled to sell such reversions and rights to rents and fines as in this Act provided:

And whereas the authorised borrowing powers of the Corporation and the amounts borrowed in the exercise of such powers, and outstanding on the twenty-ninth day of September one thousand eight hundred and seventy-nine, are as follows:

Act.	Purpose.	Security.	Amount authorised.	Amount borrowed and outstanding on the 29th day of September 1879.	
Act of 1852 -	Waterworks -	Rates leviable under the Public Health Act, 1848, or the Act of 1852, or the incorporated Acts.	£20,000 (to be paid off by sinking fund in 35 years from 1857). (See Act of 1855, s. 6.)	£31,281 4s. 1d. (including sums borrowed under the Public Health and Local Government Acts).	11 & 12 Vict. c. 63.
Act of 1855 -	Waterworks -	Rates leviable under the Public Health Act, 1848, or the Act of 1852, or the incorporated Acts.	£20,000 (to be paid off by sinking fund in 35 years from 1857).		
Act of 1864 -	Waterworks and street improvements.	Water rents, rates, and property accruing to, or leviable by, or belonging to the Corporation under the Acts of 1852 and 1855 and 1864, and the Public Health Acts, or under any of those Acts.	£15,000 (to be paid off by instalments or sinking fund at the end of 45 years).		
Act of 1876 -	Waterworks, street improvements, and other purposes.	Water rents, general district fund or rates accruing to or leviable by the Corporation as the sanitary authority under the recited Acts or the Public Health Acts.	£70,000 (to be repaid by sinking fund under Local Loans Act, 1875, prescribed period being 65 years).	£43,230 14s. 9d.	
Act of 1876 -	Markets and slaughter-houses.	The markets and slaughter-houses undertaking of the Corporation, and the stallages, rents, and tolls to accrue therefrom, and the borough fund and borough rate.	£5,000, to be paid off in like manner.	£2,100.	

And whereas for the completion of the waterworks authorised by the Act of 1876 there will be required (in addition to the sum by



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And whereas for the completion of the markets and slaughter-houses authorised by the Act of 1876 there will be required (in addition to the sum by that Act authorised and applicable for market and slaughter-house purposes) a further sum of ten thousand pounds, and it is expedient that the Corporation be authorised to borrow the same :

And whereas the Corporation have expended in certain street improvements and on the Town Hall and other municipal buildings the sum of fifteen thousand five hundred pounds, and it is expedient that the Corporation be authorised to borrow the same :

And whereas the sums that it is expedient that the Corporation should be authorised to borrow under this Act are as follows :

For gas and lighting purposes, one hundred and twenty thousand pounds ;

For waterworks purposes, fifteen thousand pounds ;

For markets and slaughter-house purposes, ten thousand pounds ;

For street improvements, fourteen thousand five hundred pounds ;

For town hall and municipal buildings, ten thousand pounds ;

For other purposes, five thousand five hundred pounds :

And whereas it is expedient to authorise the Corporation to create stock, and that further provision be made with reference to the borrowing powers and securities of the Corporation and the repayment of borrowed moneys :

And whereas it is expedient that the Council should be authorised to levy a borough rate for the purposes and in the manner in this Act mentioned, and to levy all rates leviable by them with and as part of the borough rate :

And whereas it is expedient that the above-recited Acts should be amended as in this Act mentioned, and that further powers be conferred upon the Corporation with respect to divers matters of local government :

And whereas an absolute majority of the whole number of the council of the borough, at a meeting held on the twenty-third day of December one thousand eight hundred and seventy-nine, after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the *Lancaster Observer*, a local newspaper published and 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 on the borough fund :

And whereas such resolution was published twice in the said *Lancaster Observer*, and has received the approval of the Local

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Government Board in respect of matters within the jurisdiction of that Board, and the approval of one of Her Majesty's Principal Secretaries of State in respect of other matters : A.D. 1880.

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the twenty-first 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 Schedule III. of the Public Health Act, 1875, consented to the promotion of the Bill for this Act :

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

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

1. This Act may be cited as the Lancaster Corporation Act, 1880, and the former Acts, as respectively amended by any subsequent Act and by this Act, and this Act shall be construed together with this Act as one Act. Short title.

2. In this Act—

Expressions to which meanings are assigned in enactments wholly or partially 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 for the purposes of this Act in enactments incorporated with this Act the terms "the undertakers," or "the promoters of the undertaking," or "the company" shall mean the Corporation ; the terms "superior courts," or "court of competent jurisdiction," or any other like term, shall be read and have effect as if the debt or demand with respect to which they are respectively used were a common simple contract debt, and not a debt or demand created by statute ;

Interpretation of terms.

and in this Act, unless the context otherwise requires, the following expressions have the following meanings ; (that is to say,)

"The Municipal Corporation Acts" means the Municipal Corporation Act, 1835, and the Acts for the time being in force amending the same : 5 & 6 W. 4. c. 76.

"The Public Health Acts" means the Public Health Act, 1875, and the Acts for the time being in force amending the same ;



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- “The Public Libraries Acts” means the Acts or any of them for the time being in force with respect to the establishment of free public libraries, museums, and schools for science and art, or any of them :
- “The borough” means the borough of Lancaster :
- “The Corporation” and “the council” mean respectively the mayor, aldermen, and burgesses of the borough and the council of the borough :
- “The borough fund” and “the borough rate” mean respectively the borough fund and the borough rate of the borough :
- “Stock” means Lancaster Corporation stock created and issued under this Act :
- “Treasurer” means the treasurer of the borough :
- “Town clerk” means the town clerk of the borough :
- “Surveyor” means any surveyor appointed by the Corporation :
- “Officer of health” means any medical officer of health appointed by the Corporation :
- “The water revenue” means all sums of money received by the Corporation for or in relation to a supply of water by them :
- “The market revenue” means all sums of money received by the Corporation for tolls, stallages, and rents in respect of their markets, fairs, and slaughter-houses :
- “The Company” means the Lancaster Gas Company :
- “The Special Acts” means the Lancaster Gas Acts, 1856, and 1879 :
- “The said agreement” means the agreement between the Company and the Corporation confirmed by the Lancaster Gas Act, 1879 :
- “The undertaking” means the matters and things by the said agreement agreed to be sold to the Corporation by the Company :
- “The transfer” means the vesting of the undertaking in the Corporation under the provisions of this Act :
- “The gas revenue” means all sums of money received by the Corporation for or in relation to a supply of gas by them :
- “The gas limits” means the limits within which the Corporation are for the time being authorised to supply gas :
- “Person” includes a corporation :
- “Existing” means existing at the passing of this Act :
- “Infectious disease” means small-pox, cholera, diphtheria, typhus fever, enteric or typhoid fever, relapsing fever, puerperal fever, scarlet fever, and such other diseases as the Corporation, under the provisions and for the purposes of this Act, may from time to time declare to be infectious or contagious :
- “Schedule” means schedule to this Act.

PART I.—GAS AND LIGHTING.

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3. The undertaking of the company is by this Act, on payment or satisfaction by the Corporation of the purchase money or consideration, and all interest due or accrued due thereon, and on the execution of the deed next herein-after mentioned, transferred to and vested in the Corporation, subject and according to the provisions of this Act and of the agreement confirmed by the Lancaster Gas Act, 1879 (in this Act called "the said agreement"): Provided always, that within three months after the date of the transfer the Corporation shall produce to the Commissioners of Inland Revenue a deed of conveyance executed by the company in which the purchase money or consideration shall be fully and truly stated and set forth, and which may be in the form contained in the First Schedule, and which deed shall be duly stamped with the full and proper ad valorem stamp duty in respect of the consideration for the said transfer; and if the Corporation shall not within the said period of three months produce to the said Commissioners such deed of conveyance, duly stamped as aforesaid, the ad valorem stamp duty, with interest thereon at the rate of five pounds per centum per annum from the expiration of such period of three months until the day of payment, shall be recoverable from the Corporation with full costs of suit, and all costs and charges attending the same.

Vesting of  
gas com-  
pany's under-  
taking in  
Corporation.

4. From and after the transfer the mortgage debt of the company, amounting to seven thousand pounds, and the interest thereon as from the first day of July one thousand eight hundred and eighty, shall be a first charge on the net gas revenue, and shall further be a charge on the borough fund and the borough rate in priority to all charges thereon respectively created by or subsequently to the passing of this Act; and, subject to the provisions of this Act, and subject as between the Corporation and the company to the provisions of the said agreement, all debts, liabilities, and obligations of the company, and all rates, rents, charges, and sums of money which on the first day of July one thousand eight hundred and eighty are due and owing from the company, shall be paid, discharged, or satisfied by the Corporation, and the Corporation shall be entitled to, as from the first day of July one thousand eight hundred and eighty, and may receive and recover all rates, rents, moneys, credits, and assets due or owing or belonging to the company.

Mortgage  
debt to con-  
tinue first  
charge on  
gas under-  
taking, and  
company's  
debt to be  
paid, &c.

5. If at the date of the transfer any action or proceeding, or any cause of action or proceeding, is pending or existing against the company, the same shall not abate or be discontinued, or in anywise prejudicially affected by reason of anything in this Act, but the same may be continued, prosecuted, and enforced against the

Actions, &c.  
not to abate.



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A.D. 1880. Corporation as and when it might have been continued, prosecuted, and enforced against the company if this Act had not been passed, but not further or otherwise.

Contracts,  
&c. of com-  
pany to be  
binding on  
Corporation.

6. From and after the transfer, and subject to the provisions of this Act, and subject as between the Corporation and the company to the provisions of the said agreement, all purchases, sales, conveyances, grants, assurances, deeds, contracts, bonds, and agreements having reference to the undertaking entered into or made and subsisting on the first day of July one thousand eight hundred and eighty and then in force, shall be as binding and of as full force and effect in every respect against or in favour of the Corporation, and may be enforced as fully and effectually, as if, instead of the company, the Corporation had been a party thereto.

Receipt for  
payments by  
Corporation.

7. The receipt or acknowledgment in writing of three of the directors of the company for any sum to be paid or allowed to the company by the Corporation shall effectually discharge the Corporation from the sum which in such receipt or acknowledgment shall be acknowledged to have been received or allowed, and from being concerned to see to the application thereof, and from being answerable or accountable for the loss, misapplication, or nonapplication thereof.

Application  
of purchase  
money.

8. The company shall hold the purchase money and all other sums of money paid to them by the Corporation under this Act in trust to pay, apply, and distribute the same according to the provisions of the said agreement, and for the purpose of such distribution the several persons whose names shall appear in the books of the company at the date of the transfer to be the proprietors of shares or stock therein, unless the contrary be proved to the satisfaction of the directors, shall be considered to be shareholders or stockholders of the company, and the receipt in writing of the proprietors of stocks or shares in the capital of the company, or of the executors or administrators of a deceased proprietor, or of the committee or guardian of the estate of any shareholder or stockholder in or member of the company who shall be an idiot, lunatic, or minor, shall effectually discharge the company and the directors thereof from the money therein expressed to be received, and from any obligation affecting the share, stock, or interest in respect whereof that money is paid.

Power to  
company to  
accept Cor-  
poration  
stock.

9. The company, as part of the purchase or consideration money for the transfer, may accept an equivalent amount of Corporation stock or other securities of the Corporation issued under this Act, and the stockholders of the company, or any of them, may accept, instead of their rateable proportion of the purchase money, an equivalent amount of Corporation stock or other securities as afore-



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said, and the company and the Corporation may accordingly make and carry into effect all such arrangements for the purpose as they think fit. A.D. 1880.

10. If the directors of the company are for six months after the receipt by them of the purchase money unable, after diligent inquiry, to ascertain the person to whom any part of the assets of the company ought to be paid, or cannot obtain a sufficient discharge for the same, they may pay the same into the Chancery Division of the High Court of Justice under any Act from time to time in force for the relief of trustees, and every such payment into court shall conclusively discharge the said directors and the company from all further liability with respect to the money so paid into court. Payments into court by the company.

11. The directors for the time being of the company may exercise all powers necessary and proper for giving effect to the provisions of this Act and the said agreement, and for paying such debts (if any) as by the said agreement are to be paid by the company, and for distributing the assets and winding up the affairs of the company, and when and so soon as the assets of the company have been distributed and their affairs have been wound up the company shall be by virtue of this Act dissolved. Winding up and dissolution of company.

12. From and after the transfer, and subject to the provisions of this Act, all the powers, authorities, rights, and privileges of the company under their special Acts shall be by virtue of this Act transferred to and vested in the Corporation, and those Acts shall be read and have effect as if the Corporation had been therein named instead of the company, subject nevertheless and according to the following exceptions and provisions; (that is to say,)

(1.) The provisions of the Companies Clauses Consolidation Act, 1845, and the Companies Clauses Act, 1863, incorporated with the special Acts shall not (save as in this Act otherwise provided) apply to the Corporation. 8 & 9 Vict. c. 16.  
26 & 27 Vict. c. 118.

(2.) The provisions of the Gasworks Clauses Act, 1847, incorporated with the special Acts with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their own benefit, and the provisions of the Gasworks Clauses Act, 1871, with respect to accounts, shall not apply to the Corporation. 10 & 11 Vict. c. 15.  
34 & 35 Vict. c. 41.

(3.) None of the provisions of the special Acts, or of any of the Acts incorporated therewith respectively, in any manner relating to the constitution, meetings, or directors of the company, or to the share stock or loan capital of the company, or to any limitation of the amount of profit to be received by the company or undertakers, shall apply to the Corporation.

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Power to  
supply  
electric light  
for public  
use.

13. With respect to the production and supply of light by means of electricity, the following provisions shall, from and after the transfer, have effect; (that is to say,)

1. In this section the word "street" has the same meaning as in the Public Health Act, 1875, and the expression "place of public resort" means—

(A.) Any premises belonging to or used by the Corporation :

(B.) Any place of public worship, railway station, public slaughter-house, or public theatre :

(C.) Any other places of public resort which the Local Government Board from time to time may approve for that purpose.

2. During a period of five years from the passing of this Act, and for the purposes of lighting streets and places of public resort, but for no other purpose, it shall be lawful for the Corporation within the gas limits to 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,)

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

(B.) They may upon any such lands erect and maintain any necessary workshops, engine-houses, storc-houses (including places for storing electricity), or other buildings necessary for any of the purposes of this section :

(C.) They may manufacture, buy, or hire, and may use and may supply, sell, or let, any machinery, steam engines, gas engines, or other apparatus (including meters and fittings) necessary for the purposes of this section :

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

(E.) They may acquire licenses (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 :



- (F.) They may exercise for the purposes of this section within the borough, as to electric light, any of the powers which are vested in or exerciseable by a corporation or sanitary authority under the Municipal Corporation or Public Health Acts for lighting by oil or gas : A.D. 1880.
- (G.) They may exercise for the purpose of this section, as to electric light, 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 :
- (H.) They may supply and sell for use in any place of public resort light produced by electricity, and meters or other fittings, or may let meters or other fittings for any of the purposes of this section :
- (I.) They may charge in advance, or otherwise, for any light, engines, machines, apparatus, meters, fittings, or other things supplied or let under the powers of this section such rents or sums as may from time to time be agreed on, and may recover any such rent or sum as a debt in any court of competent jurisdiction :
- (J.) Generally they may do all things necessary and incidental to the purposes of this section.

All the provisions of this section shall extend 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.

Nothing in this section shall authorise the Corporation to manufacture or store gas, or any residual product of the manufacture of gas, at any place or in any manner not authorised by some Act in force for the time being and applying to the Corporation.

#### 14.—

- (1.) All expenses from time to time incurred by the Corporation in carrying the preceding section into effect shall be charged on the borough fund, and all receipts and profits received by the Corporation under the preceding section shall be carried to the borough fund.
- (2.) The Corporation may from time to time for the purposes of the preceding section borrow at interest, on the security of the borough fund and borough rate, such sum or sums as the Corporation from time to time find requisite, not

Provisions as to expenses.

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exceeding in the whole the sum of five thousand pounds, and they may mortgage the said fund and rate 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 mutandis, to the moneys borrowed under the powers of this section, except that the period for the repayment of such moneys shall be ten years.

- (3.) The Corporation shall keep accounts with respect to 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 collecting and recovering of electric lighting, rents, and charges, and of 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 under this section;

Fourthly. In providing the requisite instalments or sinking fund under this section;

Fifthly. In providing a reserve fund, if they think fit, 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;



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And shall carry to the borough fund any balance remaining in any year, and the annual proceeds of the reserve fund when amounting to one thousand pounds. A.D. 1880.

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.

**15.** 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 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 cognizance of the case that the

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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 if this section had not been enacted.

41 & 42 Vict.  
c. 76.

Saving of  
proceedings  
for nuisance.

16. 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.

Provision as  
to general  
Acts.

17. 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.

## PART II.—STREET IMPROVEMENTS.

Incorporation of  
general Acts.  
8 & 9 Vict. c. 18.  
23 & 24 Vict. c. 106.  
32 & 33 Vict. c. 18.

18. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, are, except where expressly varied by this Act, incorporated with and form part of this part of this Act.

Correction  
of errors in  
deposited  
plans and  
books of  
reference.

19. If there be any omission, mis-statement, or wrong description of any lands, or of the owners, lessees, or occupiers of any lands, shown or purporting to be shown on the deposited plans or specified or purporting to be specified in the deposited books of reference, the Corporation, after giving ten days notice to the owners, lessees, and occupiers of the lands in question, may apply to two justices for the correction thereof, and if it appear to such justices that the omission, mis-statement, or wrong description arose from mistake they shall certify the same accordingly, and they shall in their certificate (which shall be given in duplicate) state the particulars of the omission, and in what respect any such



matter is mis-stated or wrongly described, and one part of such certificate, with the other documents to which it relates, shall be deposited with the clerk of the peace for the county of Lancaster, and the other part thereof shall be deposited with the town clerk, and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively, with the other documents to which the same relate, and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate, and the Corporation may take the lands and execute the work in accordance with such certificate as if there had not been any omission, mis-statement, or wrong description.

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20. A copy of the deposited plans and books of reference respectively, and of any certificate given under the last preceding section, shall be kept by the town clerk, who shall permit all persons interested in any property proposed to be taken under the powers of this Act to inspect the same at reasonable times, and to make copies and extracts of and from the same respectively, free of all charge, and shall permit all other persons to do the like on payment by each person of one shilling for every such inspection, and of the further sum of one shilling for every hour during which such inspection shall continue after the first hour, and after the rate of sixpence for every one hundred words copied therefrom.

Plans, &c. to be open for inspection.

21. Copies of the deposited plans and books of reference, and of any alteration or correction thereof or extract therefrom certified by the clerk of the peace of the county of Lancaster or by the town clerk, which certificate such clerk of the peace and town clerk respectively shall give to all parties interested when required, shall be received in all courts of justice or elsewhere as *prima facie* evidence of the contents thereof.

Copies of plans, &c. to be evidence.

22. 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 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 by agreement.

23. Subject to the provisions of this Act, the Corporation may make and maintain the street improvements herein-after mentioned and shown on the deposited plans, together with all necessary

Power to make street improvements.

A.D. 1880. — works and conveniences connected therewith or incident thereto, in the lines and situations shown on the deposited plans and upon the levels shown on the deposited sections, and for those purposes may enter upon, purchase, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as shall be necessary for such works, and also for the purpose of securing sites for the erection of suitable houses and buildings adjoining thereto; (that is to say,)

(A.) The widenings of the following public roads or streets, viz.:

1. Damside Street, on its northerly side, between the westerly pillar of the eastern entrance gate into Saint John's Churchyard and Nile Street;
2. Damside Street and Rosemary Lane (at their junction) between the west corner of the offices in Damside Street, occupied by Messieurs Hall and Marshall, and the west corner of a dwelling-house in Rosemary Lane occupied by Mrs. Isabella Casson;
3. Saint Nicholas Street, on its southerly side, between the north corner of the shop occupied by Anne and Elizabeth Clarkson and the north-west corner of the shop occupied by William Oldfield;
4. Market Street, on its south side, between the north-west corner of the shop occupied by Henry Haigh and the north-east corner of the shop occupied by Messieurs Bell and Atkinson;
5. West Road or Place, on its north-easterly side, between the south-east side of the garden of the dwelling-house occupied by Henry Simpson and the north-western gate-post of the entrance into the field occupied by the said Henry Simpson;
6. West Road or Place, on its south-westerly side, between the north corner of the garden in front of the dwelling-house occupied by Miss Rachel Binns and Willow Lane;
7. Ridge Lane and Canal Wharf Road (at their junction) between a point four feet or thereabouts from the western gate-post of the entrance to the said wharf and a point thirty-three feet or thereabouts from the junction of Canal Wharf Road with Ridge Lane;
8. Borrowdale Road and Canal Wharf Road, near their junction, between the west corner of the garden of the dwelling-house in Borrowdale Road occupied by Thomas Mawson and a point twenty-five feet or thereabouts on the south side of the south gate-post of the entrance to a field in Canal Wharf Road occupied by Martin Ireland;



9. Approach from George Street to Fryerage Canal Bridge (on the north side) between a point thirty-eight feet or thereabouts from the south-east corner of Robert Street and a point twenty-two feet or thereabouts from the west end of the northern parapet of the said bridge: A.D. 1880.

(B.) The following new streets and footpath, viz.:

1. A new street between Saint Leonard Gate and Edward Street North, to commence on the south-easterly side of Saint Leonard Gate on the south side of the main gable of the dwelling-house occupied by James Archer Leack, and terminating at a point forty feet or thereabouts from and in line with the east side of Edward Street North;
2. A new street between Bridge Lane and Damside Street, to commence on the east side of Bridge Lane, immediately on the north side of the shop occupied by Mary Harker, and terminating in Damside Street immediately opposite the weighing-machine there;
3. A new street between China Lane and Castle Hill, to commence on the west side of China Lane at the entrance to Back China Lane, and terminating on the east side of Castle Hill immediately on the north side of a dwelling-house occupied by Edmund Harrison;
4. A new footpath between Shaw Street and Wolseley Street, to commence at the south end of Shaw Street (to be carried by means of a footbridge over the Lancaster Canal), and terminating at the south-west end of Wolseley Street;

and the Corporation may close, stop up, and discontinue as a street the place or passage between Bridge Lane and Damside Street known as The Pallisades, and from and after such closing and stopping up the same shall be wholly and absolutely vested in the Corporation: Provided that—(A.) With respect to the widening No. 2, the line of such widening shall not, so far as affects the properties shown on the deposited plans and numbered 12, 13, and 14, extend southward of the position of such line as shown on the deposited plans without the consent of the owners, lessees, and occupiers of such properties; (B.) With respect to the widening No. 6, the line of such widening shall not, so far as affects the properties shown on the deposited plans and numbered 27 and 31, extend westward of the position of such line as shown on the deposited plans without the consent of the owners, lessees, and occupiers of such properties.

24. The powers of the Corporation for the compulsory purchase of lands for the purposes of this part of this Act shall not be exercised after the expiration of five years after the passing of this Act. Period for compulsory purchase of lands.

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Period for  
completion  
of works.

**25.** The works authorised by this part of this Act shall be completed within ten years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Corporation for executing those works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed: Provided that the cesser of those powers shall not prevent the Corporation from executing from time to time thereafter any works in connexion with so much of those works as is then completed.

Deviation.

**26.** In the construction of the works authorised by this part of this Act the Corporation may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and five feet downwards, and they may deviate laterally within the limits of deviation shown on the deposited plans, and beyond those limits with the consent of the person in whose lands such deviation is to be made: Provided that the Corporation shall pay or tender compensation to the owner or other person immediately interested in any house or building for any loss or damage he may sustain by reason of the raising or lowering of the level of any street under the powers of this section.

Power to  
make sub-  
sidiary  
works.

**27.** Subject to the provisions of this Act, and within the limits defined on the deposited plans, the Corporation, in connexion with the street improvements authorised by this Act, 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 street improvements or any of them, and may make diversions, widenings, or alterations of lines or levels of any existing streets for the purpose of connecting the same with the improved streets or of any of them, or of crossing under or over the same or otherwise, and may alter, divert, stop up, inclose, use, or appropriate all or any part of any street, square, place, court, alley, or passage, whether a thoroughfare or not, or of any thoroughfare, road, lane, or way, or of any drain, sewer, channel, void ground, or other property shown on the deposited plans, the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer: Provided that the provisions of section three hundred and eight of the Public Health Act, 1875 ("compensation in case of damage by local authority"), shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Power to  
alter steps,  
areas, pipes,  
&c.

**28.** The Corporation, within the limits of deviation defined upon the deposited plans, may raise, sink, or otherwise alter or cause to be altered the position of any of the steps, areas, cellars, windows,



[43 & 44 VICT.] *Lancaster Corporation Act*, 1880. [Ch. lxxvii.]

and channels, pipes, or spouts belonging to any house or building, and also the drains, mains, and the leaden or other pipes which for the purpose of conveying water or gas to any house or other place shall be laid into or from any main or pipe belonging to the Corporation, and may remove all other obstructions, so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit; and the Corporation shall make reasonable compensation to any corporation or person who suffers damage by any such alteration. A.D. 1880.

**29.** The Corporation may cause such part of the streets improved by them under the provisions of this Act to be laid out for a carriageway and footway respectively as they think proper. Power to set out carriage-way and footway.

**30.** The Corporation may sell the materials of the houses and buildings which may be purchased or taken by them under the powers of this Act. Power to sell materials.

**31.** The sites of all houses and all lands purchased by the Corporation under the powers of this Act and laid into and appropriated for streets shall, when and so soon as the same are so laid into and appropriated for streets, be and for ever thereafter form part of the public streets, and shall be repaired and maintained and kept in repair in such and the same way and manner as the streets in the borough are for the time being by law maintained, repaired, and kept in order. Lands laid into new streets to be public highways.

**32.** And whereas in the case of the several properties specified in the Second Schedule a portion thereof will be sufficient for the purpose of effecting the objects of the Corporation, and it may happen that such portion may be severed from the remainder of the several properties without any material detriment to the use and enjoyment of such property; therefore, notwithstanding section ninety-two of the Lands Clauses Consolidation Act, 1845, the owners of and persons interested in such properties respectively, and whereof part only is required for the purposes of this Act, may, if such portion can, in the judgment of the jury, arbitrator, or other authority assessing or determining the compensation therefor, be severed from the remainder of the said properties without material detriment thereto, be required to sell and convey to the Corporation the part only of the premises so required by the Corporation without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof, the Corporation paying for the part required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by reason of the severance or otherwise by the execution of the works. Owners may be required to sell part of properties.

A.D. 1880.

Purchase  
and extin-  
guishment of  
easements.

Corporation  
to sell, &c.  
lands not  
wanted.

Receipts of  
Corporation  
to be effec-  
tual dis-  
charges.

Application  
of moneys  
from sale,  
&c. of lands.

Protection of  
London and  
North-west-  
ern Railway  
Company  
and the Lan-  
caster Canal  
Company.

**33.** The Corporation may purchase any easement which they may require for the purposes of the street improvements authorised by this Act, and for the purposes of every such purchase the term "lands" in the said Lands Clauses Consolidation Acts shall be deemed to include easements.

**34.** Subject to the provisions of this Act, the Corporation shall, within ten years after the completion of the improvement for the purposes of which the lands have been acquired, or within twenty years after the passing of this Act, whichever shall first happen, sell and dispose of to any person or persons, and grant and convey, such parts of the said lands as they may have purchased under the authority of, or as may be vested in them by, this Act which shall not be wanted for the purposes of the improvements.

**35.** The receipt of the Corporation for any purchase moneys or other money payable to the Corporation by virtue of this Act shall be a sufficient and effectual discharge for the money in such receipt expressed or acknowledged to be received, and the person to whom the same shall be given shall not afterwards be answerable or accountable for the misapplication or nonapplication of the money in such receipt expressed or acknowledged to be received.

**36.** The Corporation shall apply all moneys from time to time receivable by them in respect of any sales or dispositions of lands and premises by this part of this Act authorised in or towards paying off moneys for the time being owing on the credit of the borough fund, independently of the sinking fund, and the borrowing powers of the Corporation shall be reduced to the extent of any amount so paid off.

**37.** The following provisions for the protection of the London and North-western Railway Company (in this section called "the railway company") and of the Company of Proprietors of the Lancaster Canal Navigation (in this section called "the canal company"), and with respect to the other matters in this section contained or referred to, shall have effect; (namely,)

1. Any mains, pipes, tubes, wires, or other works to be laid down, set up, or executed in exercise of the powers conferred by this Act with respect to the supply of gas, or of light, heat, and motive power by means of electricity, as also all repairs and renewals thereof, crossing or in any way affecting any railway, docks, canal, lands, or property now or hereafter belonging to or used or occupied by the railway company or the canal company, or any of the bridges, stations, towing-paths, wharves, or other works of any such railway, canal, or docks, shall be done under the superintendence and to the



reasonable satisfaction of the engineer of the railway company (lessces of the north end undertaking of the canal company), and only according to such plans and at such times as shall be reasonably approved by him before any such works are begun, but in all things at the expense of the Corporation, and so as to cause no injury to any such railway, canal, docks, lands, or property, bridges, stations, towing-paths, wharves, or works, or interruption to the passage or conduct of traffic on, over, or at any such railway, canal, or docks, or at any station, wharf, basin, or quay thereof respectively; and if any injury shall arise to any such railway, canal, docks, lands, property, bridges, stations, towing-paths, wharves, basins, quays, or works, or interruption to such traffic, the Corporation shall make full compensation to the railway company in respect of such injury or interruption, the amount of such compensation to be recoverable by the railway company from the Corporation, with full costs, by all and the same means as any simple contract debt is recoverable:

2. For effecting the widening No. 7 the Corporation shall not, without the consent of the railway company under their common seal, enter upon, take, or acquire any property belonging to the canal company situate southward of the line of such widening as shown on the deposited plans, and the Corporation shall at their own cost, so soon as they shall commence the works for such widening, well and sufficiently, and to the reasonable satisfaction in all respects of the engineer of the railway company, fence off the land required for the widening, and take down the present gate opening on the abutting land of the canal company and re-erect the same in such position as shall be reasonably satisfactory to such engineer:
3. With respect to the widening No. 9, the line of such widening shall not, without the like consent of the railway company, extend northward of the position thereof as shown on the deposited plans, and the Corporation shall for all time efficiently maintain in as good a state of repair as such widening (and which they are so to maintain) the existing road situate on the south side of and abutting on such widening for the whole length of and co-extensive therewith, the expense of the maintenance of such widening, as also of the existing road, to be borne as to three fourths thereof by the Corporation and one fourth thereof by the railway company, the latter to be payable by the railway company to the Corporation accordingly:

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4. The new footpath No. 4 and the footbridge over the Lancaster Canal shall be constructed and maintained only in such position within the limits of deviation shown on the deposited plans, and only according to plans, sections, and specifications (and as to the fencing off of the said footpath and the openings in such fencing), as shall be reasonably approved in writing by the engineer of the railway company, and with a clear headway over the waterway of the canal for the whole width of such crossing of not less than ten feet, and so that the present width of the waterway and (except so far as may be agreed to in writing by such engineer) the towing-path of the canal be in no way contracted, the parapets of the said footbridge shall be close boarded and of not less height above the level of its footpath than six feet; there shall be no public communication between the footbridge and the towing-path of the canal; all the works for carrying such new footpath and footbridge across the canal and its towing-path shall be executed and maintained by the Corporation so as to cause no injury to the said canal, towing-path, or other works thereof, or interruption to the passage or conduct of the traffic over the canal; and if any injury shall arise to the canal, towing-path, or works, or interruption to such traffic, the Corporation shall make full compensation to the railway company in respect of such injury or interruption :
5. The Corporation shall, with respect to the land and property required for the new footbridge and footpath, acquire only an easement therein, the amount to be paid for the acquisition of such easement to be ascertained in case of difference in the manner provided by the Lands Clauses Consolidation Act, 1845, as to the purchase of lands otherwise than by agreement :
6. Save as is in this Act otherwise expressly provided, nothing herein contained shall prejudice, lessen, take away, or interfere with the lands, property, rights, powers, and privileges of the canal company or of the railway company, whether under a certain agreement, dated the twenty-eighth day of May one thousand eight hundred and seventy-eight, made between the railway company and the gas company, or under the Lancaster Gas Act, 1879, or otherwise howsoever.

As to works affecting railways or canals.

**38.** Whenever the Corporation, in the exercise of the powers conferred by this Act, shall require to execute any works across or in any way affecting any railway, canal, lands, or property belonging to or worked, used, or occupied by any railway or canal company



(excepting the London and North-western Railway Company and the Company of Proprietors of the Lancaster Canal Navigation), or any of the bridges or other works of any such railway or canal, the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of such company, and such works shall be executed by and in all things at the expense of the Corporation, and so as to cause no injury to such railway or canal, bridges, works, lands, or property, or interruption to the passage or conduct of the traffic over such railway or canal; and if any injury shall arise to such railway or canal, works, lands, or property, or interruption to such traffic, the Corporation shall make full compensation to the company affected thereby in respect of such injury or interruption.

**39.** The powers granted to the Corporation by the Act of 1876 for the compulsory purchase of lands, houses, and buildings for the purposes of the street improvements numbered 5 and 6 in section 27 of that Act are hereby extended, and may be exercised by the Corporation for and during a period of three years from the twenty-fourth day of July one thousand eight hundred and eighty-one, and on the expiration of that period those powers shall cease.

**40.** All buildings from time to time erected in such part of any street shown on the deposited plans as shall be made, widened, extended, or improved under the powers of this Act, and every building in the borough any external wall of which shall be altered to the extent of one half thereof to or towards the front of any 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. If the owner, lessee, or occupier of any building which in the making of any such new street, or in 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, wall, or fence. 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 or canal company, and used or intended to be used for the purposes of their business as a railway or canal company.

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Certain  
roads to  
become re-  
pairable by  
inhabitants.

**41.** The following roads or highways used by the public ; (namely,)

(1.) The road leading out of the highway known as the Bowerham Lane or Road, and terminating opposite the village of Golgotha in the highway leading from Lancaster to Wyresdale ; and

(2.) The road (in this Act referred to as "Canal Wharf Road") on the east side of the Lancaster Canal Wharf leading from Ridge Lane to Borrowdale Road ;

shall after the passing of this Act be deemed to be public highways for carriages, horses, and foot passengers, and for all other purposes, and to be repairable by the inhabitants at large ; and the respective highway authorities within whose jurisdictions the same or any part or parts thereof are respectively situate shall from time to time make good and repair the same, (including the carrying of the surface water drainage of Canal Wharf Road to Borrowdale Road in such manner as to enable the Corporation thence easily to carry the same into their existing public sewer there,) and may remove any posts or obstructions therein respectively. The Corporation may from time to time, by notice addressed to the respective highway authority concerned, require them to make good and repair the said roads or so much thereof, to be specified in the notice, as is within their jurisdiction within a reasonable time, to be also specified in the notice ; and if such notice is not complied with the Corporation may, if they think fit, themselves execute and defray the cost of such making good and repair, and may apportion as they deem just such cost among the respective highway authorities concerned, and recover the sum apportioned from such authority in a summary manner : Provided that notice of such apportionment shall forthwith after the making thereof be given to the respective highway authority concerned, and if any such authority object to the apportionment as unjust, they may, within twenty-one days after service on them of the notice thereof, apply to a justice, and thereupon the justice may summon the Corporation and also the other highway authorities concerned to show cause before a court of summary jurisdiction why the apportionment should not be varied, and the court may either dismiss the application or make such order varying the apportionment as to the court may appear reasonable.

Confirmation  
of agree-  
ment be-  
tween Cor-  
poration and  
Coulston's  
trustees.

**42.** The agreement dated the eighth day of March one thousand eight hundred and eighty, and made between the Corporation and Anne Coulston, John Sanderson, and Henry Knowles, trustees of the will of John Coulston, late of Hawksheads, in the county of Lancaster, esquire, deceased, which is set forth in the Seventh Schedule, is hereby confirmed and made binding upon the parties thereto, and full effect may and shall be given thereto, and on the



acquisition by the Corporation of the lands to be acquired by them under the said agreement the whole of those lands shall thereupon be laid to and form part of the road number one referred to in the last preceding section, and be dedicated to the public accordingly.

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43. 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.

44. The Corporation, whenever they are by any enactment required to make compensation to any person interested in any lands or buildings, may by agreement with such person make such compensation wholly or partly in works or land.

Compensation may be in lands or works.

### PART III.—MARKETS AND SLAUGHTER-HOUSES.

45. The limits of the markets and fairs of the Corporation shall be the same as the limits of the borough, and Part III. of the Act of 1876 (relative to markets) shall, so far as applicable, extend to the fairs of the Corporation.

Limits of markets and fairs.

46. The Corporation may from time to time make, and when made alter, add to, and repeal, byelaws for all or any of the following purposes; (that is to say,)

Byelaws as to markets, fairs, and slaughter-houses.

- (1.) For fixing the time during which any particular kind of commodity, animal, or thing may be sold, exposed, or offered for sale in any market or fair, and for the bringing or removal of any commodity, animal, or thing to or from any market or fair before or after sale, or before or after the closing of such market or fair:
- (2.) For prescribing the mode in which the carcases of animals, or parts thereof, may be conveyed to and from the markets or slaughter-houses:
- (3.) For preventing the bringing into any market or fair or slaughter-house, or the approaches and conveniences connected therewith respectively, of any diseased, injured, offensive, injurious, adulterated, or spurious commodity, animal, or thing:
- (4.) For regulating the time for and the manner of collecting stallages, rents, and tolls payable to the Corporation in respect of the markets and fairs, slaughter-houses, weighing machines, shops, stalls, stands, sheds, pens, stations, spaces, and other conveniences connected therewith respectively:
- (5.) For regulating the inspectors of markets, inspectors of provisions, and other market officers and servants appointed by the Corporation:

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(6.) For directing and prescribing the streets in which and the manner according to which the leading or driving of animals shall be permitted within the borough: Provided that the streets which it shall be lawful for the Corporation so to prescribe shall not be such as would prevent the passage of cattle between any market and any railway station in the borough, or any place beyond the boundary of the borough, when such animals are merely passing between such market and railway station or other place as aforesaid, and that the Corporation shall be bound to allow at all times a reasonably short and efficient route or routes for the passage of such animals: Provided also, that the directions contained in the byelaws in this subsection referred to shall only operate between the hours of eight in the morning and nine in the evening, and shall not prevent the owner of any animals driving the same to his own premises, and that nothing in this enactment contained shall authorise the Corporation to interfere with the driving of any animals to any slaughter-house, so long as the slaughtering of such animals therein is lawful.

Offences in market.

47. Every person who in any market or fair, or slaughter-houses, now or hereafter belonging to or under the control of the Corporation commits any of the following offences; (that is to say,)

Makes use of any expression of cursing or swearing, or of any threatening, abusive, violent, offensive, obscene, or disgusting language;

Is drunk or disorderly;

Wilfully creates any obstruction;

Loiters on any stall or bench or in any part of any market, or of any building connected therewith, after having been warned to desist therefrom by a constable;

Fights, quarrels, or makes any affray or disturbance;

Commits or creates any nuisance;

Wilfully damages any wall with chalk, paint, or otherwise, or posts any bill or paper thereon;

Wilfully breaks any window or light, or does any other damage to the property of the Corporation;

shall for every such offence be liable to a penalty not exceeding two pounds; and the superintendent of such market or fair, or other officer authorised by the Corporation, or any constable, may remove from such market or fair any person who within his hearing or view commits any such offence.

Market inspectors, &c. may be made constables.

48. The Corporation may cause the inspectors and collectors of markets or slaughter-houses now or hereafter belonging to or under



the control of the Corporation, and all persons appointed to assist them permanently or otherwise, to be sworn before a justice as constables, and the men so sworn shall have all such powers, authorities, and privileges, and shall be liable to all such responsibilities and (subject to the directions of the Corporation) shall perform all such duties, as constables appointed under the Municipal Corporation Acts: Provided that no constable not in uniform shall act unless provided with his warrant.

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49. Every person who shall have been convicted of three offences against any of the byelaws made under the Act of 1876 or this Act relating to markets or slaughter-houses shall be liable after the third conviction to be forthwith removed and excluded for a term not exceeding one year from all or any of such markets or slaughter-houses by the market or slaughter-house inspector or his assistants, and his tenancy (if any) of any pen, shop, stall, or standing shall be thereupon determined, without prejudice to any remedy or remedies for the recovery of any toll, stallage, or rent that may be due.

Repeated offences in markets, &c.

50. The Corporation may publish in any market or slaughter-house for the time being under their management the name of any person who shall have been convicted of any offence against any byelaw for the time being in force with respect to any such market or slaughter-house, or any person in relation thereto.

Names of offenders against certain byelaws may be published in markets.

51. If any person wantonly or cruelly tortures beasts, ill-treats or abuses any animal in any cattle or other market place or fair-ground, or slaughter-house, any officer of the market or fair, if in uniform or provided with his warrant as a constable, or any constable on view thereof, without any authority other than this Act, may apprehend him and take him before a justice of the peace to be dealt with according to law.

Apprehension of persons treating animals cruelly.

52. Every animal or article brought into any market or fair and left therein after the hour of closing (except such as may be left in charge of the superintendent or inspector of the market or fair) may be taken possession of by the superintendent or inspector, and if the same being of a perishable nature be not claimed within one hour after the closing, or not being of a perishable nature be not claimed within one month thereafter, then and in every such case the same may be sold by the Corporation, who shall return the surplus proceeds of such sale, after deducting any unpaid stallage, rent, or toll due in respect thereof and the expenses of detention and sale, to the owner on demand, if made within one month after the sale, but if demand be not so made the proceeds of the sale shall be forfeited to the Corporation.

Forfeiture of articles left in markets.

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Slaughtering prohibited except in Corporation slaughter-houses.

**53.** From and after the expiration of one month from the publication of a notice by the Corporation that they have provided slaughter-houses under the provisions of the Act of 1876, no person shall, except with their consent, slaughter any animal in any place within the borough except in such slaughter-houses, and if any person acts in any respect in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds: Provided always, that the Corporation shall pay or tender compensation to the owner and occupier of any slaughter-house existing at the passing of this Act and proper and suitable for the purpose.

Power to lease slaughter-houses, &c.

**54.** The Corporation may from time to time let their slaughter-houses, weighing houses, and weighing machines, or any of them, for any term not exceeding three years, on such terms, pecuniary and otherwise, and conditions as the Corporation and the lessees mutually agree on.

Assignment of leases.

**55.** The lessee of any tolls, slaughter-house, weighing-house, weighing-machine, stall, shop, standing, or other convenience, his executors, administrators, and assigns, with the consent of the Corporation, may assign the same for the residue of the term.

Abolition of exemption from market tolls.

**56.** From and after the completion of the covered market authorised by the Act of 1876, section thirty-three of the Act of 1876 shall be repealed, and no free burgesses or freemen of the borough shall thereafter be entitled to any exemption from tolls leviable under that Act in respect of the markets of the Corporation: Provided that this section shall not take away or affect any existing exemption from such tolls (to the extent of the amounts specified in Schedule B. to the Act of 1876) to which any free-man may be entitled under or by virtue of section two of the Municipal Corporations Act, 1835.

Person claiming exemption from tolls to give his address.

**57.** Any person claiming, either on behalf of himself or of any other person, exemption from any market or fair toll shall on demand give the collector the correct name and address of himself and of any such other person, and any person who wilfully gives a false name or address, or with intent to avoid payment of any market or fair toll wrongfully claims any such exemption, shall for every such offence forfeit to the Corporation any sum not exceeding forty shillings to be recoverable in a summary manner.

#### PART IV.—MISCELLANEOUS.

Sale of reversions of customary leaseholds.

**58.** It shall be lawful for the Corporation from time to time, if and when they think fit, in the manner and on the conditions herein-after mentioned, to sell and release, without any sanction or authority other than this Act, all their estate, right, and interest in any lands vested in them which for not less than sixty years before



the passing of this Act have been customarily let on leases for forty-one years on payment of a fine equal to twenty years reserved rent; provided that the amount of the purchase money to be paid to the Corporation for their estate and interest in respect of any such land shall not be less than as follows: A.D. 1880.

- (1.) The rent payable in respect of the particular premises shall be capitalised at a sum equal to twenty-five times such rent for one year:
- (2.) To that sum there shall be added for the redemption of the right to fines on renewals the value of the expectation of the next fine which but for this Act would be receivable in respect of the same land, the amount of such fine being calculated at twenty times the annual rent, and the value of the expectation being calculated at such sum as if invested at the time of the release at three per centum simple interest would at the time when such fine would become due make up the amount of such fine:
- (3.) To the above sums there shall be added a sum equal to not less than two per centum on the value of the particular land in question, calculated at thirty times the rackrent for which the particular land would, in the opinion of the surveyor, let at the time of the release in its then condition.

Nothing in this Act shall be construed to affect the validity or invalidity of any such alleged right of renewal as in this Act mentioned, or to preclude the Corporation from disputing or any lessee from insisting on such alleged right, in the same manner as if this Act had not passed in any case in which the Corporation shall not have sold and released their reversion and interest as by this section provided.

Any moneys from time to time received by the Corporation under this section shall be carried to the borough fund, and shall be applied in paying off any mortgages on the borough fund, or otherwise for any purpose for which the capital of the borough fund is by law applicable for the time being, and for no other purpose.

**59.** The Corporation from time to time, if they think fit, may levy a borough rate, subject and according to the provisions of the Municipal Corporation Acts, and may defray out of such rate any expenses under or for the purposes of the Public Health Acts, or which by any Act are required or authorised to be defrayed out of a general district rate or any rate in the nature of a general district rate: Provided that if any borough rate is made for any purposes the expense of which would but for this Act be defrayed out of a

Borough  
rate.

A.D. 1880.

general district rate or rate in the nature of a general district rate, such rate shall, as regards such purposes, be made, assessed, and levied, subject to the like exemptions and deductions to which assessments to a general district rate are subject under the provisions of the Public Health Acts.

Williamson  
Park.

**60.** Whereas, with the consent of the Corporation, James Williamson, esquire, deceased, late an alderman of the borough, engaged at his own expense to lay out and improve part of Lancaster Moor as a park, and to provide a fund for its future maintenance, in order that when so laid out and improved the same should be kept and used as a public park or recreation ground, and be called "the Williamson Park." And whereas such park or recreation ground will be of great benefit to the inhabitants of the borough. And whereas such park will be greatly improved if parts of certain inclosed fields adjoining thereto and belonging to the Corporation were added thereto. It shall be lawful for the Corporation to appropriate for ever, as an addition to and part of such park, so much of any inclosed fields belonging to them, and adjoining the said park as they think fit, not exceeding in the whole three acres, and all the provisions of section forty of the Act of 1876 with respect to a public pleasure ground shall apply to the said park and to the lands so appropriated and added thereto.

Regulations  
as to  
Williamson  
Park.

**61.** The Corporation may from time to time make byelaws for all or any of the following purposes with respect to the Williamson Park; (that is to say,)

For prohibiting the holding of public meetings in the park :

For the removal from the park of any person infringing any bye-law relating thereto :

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

For fixing and regulating the days or parts of days, not exceeding twelve days in any one year, on and during which the park, or any part or parts thereof, or any footpath therein, may be open or shut, and the terms of and prices for admission on any special occasion to the park or any part or parts thereof :

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 park :

For the preservation of order and good conduct among persons frequenting the park ;

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



[43 & 44 VICT.] *Lancaster Corporation Act, 1880.* [Ch. lxxvii.]

For permitting and regulating the sale of refreshments therein : A.D. 1880.

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 parts in which and the conditions on which such contrivances may be used :

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

**62.** In case and at any time after the Public Libraries Acts are adopted in the borough it shall be lawful for the trustees for the time being of the Lancaster Mechanics Institute, or the major part of them, to convey and transfer to the Corporation, and for the Corporation to take and hold, without any license in mortmain, all or any of the lands, tenements, hereditaments, or interests therein, or personal goods and chattels for the time being vested in or belonging to the said trustees in trust for the said Institute, and the same when so transferred to the Corporation shall be held and applied by the Corporation for all or any of the purposes of the Public Libraries Acts, or of any other Public General or Local Acts for the time being in force in the borough with respect to public libraries, museums, or other like purposes. Any such conveyance and transfer of personal goods and chattels may be made by delivery, and any such conveyance and transfer of lands, tenements, or hereditaments, or of any interest therein, may be made by deed duly stamped in the form set out in the Third Schedule, and all expenses of any such conveyance and transfer shall be paid by the Corporation out of the borough fund.

Mechanics  
Institute.

**63.** The Corporation may from time to time make, and when made alter, add to, and repeal, byelaws for all or any of the following purposes relating to libraries, museums, and schools for science and art for the time being vested in the Corporation or under their control, and the property therein ; (that is to say,)

Byelaws for  
libraries, &c.

(1.) For regulating the days and times on which the same respectively shall be opened and closed :

(2.) For prescribing what persons shall be admitted therein, and for regulating the conduct of such persons and prohibiting objectionable acts and things :

(3.) For preventing the admission of dogs :

(4.) For providing for the safety and use of the said places and of the property therein, and for enforcing compensation for damage thereto or the loss or detention thereof :

A.D. 1880.

(5.) For enabling any officer of the Corporation to prevent the admission of, or to remove from the same, any person who shall not be clean in his person or dressed in clean and decent apparel, or who shall offend against any byelaw of the Corporation under this section, or to detain any person who shall so offend until he shall satisfy such officer as to his correct name and address.

Byelaws as  
to baths and  
wash-houses.

**64.** The Corporation may from time to time make, and when made alter, add to, and repeal, byelaws for all or any of the following purposes relating to public baths, wash-houses, and bathing places for the time being vested in the Corporation or under their control; (that is to say,)

For securing that the baths and wash-houses and bathing places be under the due control of the officers and servants of the Corporation, and for determining their duties :

For securing adequate privacy to persons using the baths, wash-houses, and bathing places, and providing security against accidents to persons using the bathing places :

For securing that men and boys above eight years old bathe separately from women and girls and children eight years old or under :

For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour, and nuisances :

For determining the charges for the use of the baths, wash-houses, and bathing places.

Recovery of  
charges at  
wash-houses.

**65.** The officers and servants of the Corporation may detain clothes brought to be washed or other goods of any person refusing to pay any charge to which such person is liable for the use of the wash-houses of the Corporation till full payment thereof is made, and in case such payment is not made within seven days after the same becomes due may sell such clothes or goods or any of them, returning the surplus proceeds of such sale (after deducting the unpaid charge and the expenses of detention and sale) and any unsold articles on demand to the owner or the person by whom the same were brought to be washed.

Amend-  
ment of  
39 & 40 Vict.  
c. clxxxvi.  
with respect  
to gauge  
basins.

**66.** Whereas under the provisions of the Acts relating to the waterworks of the Corporation passed before the year one thousand eight hundred and seventy-six a gauge basin (herein-after called "the existing basin") was constructed on the line of their conduits as the same existed before one thousand eight hundred and seventy-six on Appletree Fell, and by the Act of 1876, section eighteen, it was provided that the water to be taken by the Corporation under the powers of that and of the former Acts should after the construction of the new conduits Nos. 1 and 2 in the said section



[43 & 44 VICT.] *LANCASTER CORPORATION ACT, 1880.* [Ch. lxxvii.]

mentioned be gauged at an intended new gauge basin (herein-after called "the new basin") therein described and situate on the said new conduits; and whereas it is expedient that the former conduits should continue to be maintained as an alternative line of supply, and it is necessary for the protection of the millowners and others interested in the gauging of the water taken by the Corporation that any water taken through the former conduits should be properly gauged. The Corporation, so long as they maintain and use the said former conduits, shall continue to maintain in good order and condition the existing basin, in addition to the new gauge basin, and may and shall gauge at the existing basin any water which they think necessary to take by means of the said former conduits, and the provision of the former Acts relating to the gauging of water and to the access of millowners and their agents to the gauges and gauge basin shall continue to apply to the existing basin as well as to the new basin; and Henry Garnett (mentioned in the said section), his heirs or assigns, and his or their agents, shall have the same right of access to and of examining both the existing basin and the new basin as the millowners.

A.D. 1880.  
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67. 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 public carriageway or footway within the borough, or erect any crane or apparatus for hoisting or lowering goods, or 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 further penalty not exceeding twenty shillings for every day during which the offence is continued; any person aggrieved by the refusal of the Corporation to give a consent under this section may appeal against such refusal.

Prevention  
of obstruc-  
tions to  
streets.

68. Sections sixty-nine and seventy of the Towns Improvement Clauses Act, 1847, incorporated with the Public Health Act, 1875, shall, with respect to the borough, extend and apply to any crane or apparatus for hoisting or lowering goods, or any other projection from or at any building not forming part of or being within the curtilage of a railway station or situate on a canal, wharf, or used by a railway or canal company exclusively for the purposes of their business, and whether erected before or after the passing of this Act, which in the opinion of the Corporation is dangerous

Prevention  
of dangerous  
projections.  
10 & 11 Vict.  
c. 34.

A.D. 1880. — or an obstruction to the safe and convenient passage along any street within the borough; any person aggrieved by any notice or order of the Corporation under this section may appeal against the same.

Appeals.

42 & 43 Vict.  
c. 49.

**69.** Where any person is authorised by this part of this Act to appeal, the provisions of section thirty-one of the Summary Jurisdiction Act, 1879, with respect to appeals, shall apply to such appeal as if the matter appealed against were a decision, conviction, or order of a court of summary jurisdiction, and for the purposes of any such appeal any notice required by that section to be given to the clerk of the court of summary jurisdiction shall be given to the town clerk, and any recognisances may be entered into before any justice of the peace having jurisdiction in the borough, and the court of appeal may make such order as it thinks fit with respect to costs, and such order may be enforced as in cases of appeal from a court of summary jurisdiction under the said section.

Crossings for  
horses or  
vehicles over  
footways.

**70.** Every person desirous of forming a communication for horses or vehicles across any footpath within the borough so as to afford access to any premises from a street shall first submit to the Corporation a plan of the proposed communication showing where it will cut the footpath and what provision (if any) is made for kerbing and for a paved crossing, and the dimensions and gradients of the necessary works; and any such person, after having obtained the sanction of the Corporation, shall carry the works into effect at his own expense under the supervision and to the satisfaction of the surveyor, 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 the same has had such communication as aforesaid made and approved by the Corporation, he shall be liable to a penalty not exceeding five pounds; any person aggrieved by any refusal to sanction the formation of such communication may appeal against the same.

Further  
powers with  
respect to  
prevention  
of infection  
from disease.

**71.** The following provisions for prevention of infection from disease, in addition to those contained in the Public Health Acts, shall take effect within the borough:

(A.) The Corporation may from time to time provide temporary shelter or house accommodation for the member of a family in which infectious disease has appeared:

(B.) The Corporation may themselves provide or contract with any person or persons to provide female nurses for attendance upon persons suffering from infectious disease:

(C.) The Corporation from time to time may order public or private day schools or places of public resort situate in



neighbourhoods affected by infectious disease to be temporarily closed or suspended : A.D. 1880.

(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 to be temporarily closed whenever from the appearance of infectious disease in such shop, dairy, or other place, or in rooms in connexion 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 :

(E.) In case of the existence of any infectious disease in any house, the Corporation may issue an order declaring such house, or any rooms therein, or any part thereof, 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 occupying or living in any such house or part of a house shall continue at any in-door occupation which necessitates the handling of any clothing, food, 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 :

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 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, and any person who shall offend against this enactment (unless ignorant thereof, the burden of the proof of which shall be on him) shall for every such offence be liable to a penalty not exceeding five pounds.

A.D. 1880.  
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Notice to be  
given of per-  
sons suffer-  
ing from cer-  
tain diseases.

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

(1.) If any such inmate be suffering from infectious disease the occupier or person having the management or control of such building, or if such occupier or person is 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 officer of health at his office, or to the inspector of nuisances at his office, of the existence in such inmate of such disease;

(2.) 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 he be prevented by reason of such disease, then the person in charge of such inmate, and if there be no such person 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;

(3.) The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising in the borough forms for the certificate 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;

(4.) Every medical practitioner attending on or called in to visit such inmate shall, on becoming aware that such inmate is suffering from any infectious disease, forthwith fill up, sign, and send to the officer of health at his office, or to the inspector of nuisances at his office, a certificate stating according to the forms prescribed and supplied to him by the Corporation the name of such inmate, the situation of such building, and the name of such occupier or person, and the nature of the disease from which such inmate is suffering;

(5.) The Corporation shall pay to every medical practitioner, who shall in pursuance of this section duly make and give any such certificate a fee of two shillings and sixpence for every such certificate: Provided that only one such certificate need be given, and only one fee shall become payable under this section within an interval of thirty



days to the same medical practitioner for certificates given by him in respect of the same disease occurring in the same building; A.D. 1880.

and any person who shall offend against this enactment (unless ignorant thereof, the burden of the proof of which shall be on him) shall for every such offence be liable to a penalty not exceeding five pounds.

**73.** Whenever the Corporation provide a suitable hospital for the reception, treatment, and isolation of persons suffering from infectious diseases, on the certificate of the officer of health or other legally qualified medical practitioner that any person within the borough is suffering from infectious disease and is without proper lodging or accommodation enabling the case to be properly isolated so as to prevent the spread of the disease, or to be properly treated, the Corporation may give notice to the head of the family (resident in the same building) to which the person so suffering belongs requiring the removal forthwith of such person to such hospital as aforesaid: Provided that if there is no such head of the family, or if such head of the family is absent from the borough or cannot be found, such notice may be given to the person so suffering.

Further powers for removal to hospitals of infected persons.

If the person to whom such notice is given consents the Corporation may forthwith remove the person so suffering to such hospital as aforesaid, but if the person to whom such notice is given refuses to consent to such removal or to be removed, or is by reason of age, disease, or otherwise incapable of giving such consent, any justice may, on the application of the Corporation, make an order for the removal of the person so suffering to such hospital as aforesaid. Such order may be addressed to an officer of the Corporation or to any constable of the borough, and any person who disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding twenty shillings for every day during which such disobedience or obstruction continues.

Any expenses incurred by the Corporation in respect of the conveyance of such person to such hospital, and his maintenance and treatment therein, may be recovered by the Corporation from such person, or from his personal representatives in the event of his death therein, or the Corporation may, if they see fit, themselves defray such expenses, or any part thereof.

**74.** The Corporation may from time to time, by resolution made on the report of the officer of health, and sanctioned by the Local Government Board, 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.

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

[Ch. lxxvii.] *Lancaster Corporation Act*, 1880. [43 & 44 VICT.]

A.D. 1880. — 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.

PART V.—BORROWING POWERS.

Borrowing  
powers.

**75.** The Corporation may from time to time (in addition to any moneys which they are for the time being authorised to borrow under any Public General or Local Act) borrow at interest for the purposes of this Act, on the security of the borough fund and borough rate, the following sums; (that is to say,)

For purposes relating to gas, any sum or sums not exceeding one hundred and fifteen thousand pounds:

For purposes relating to waterworks, any sum or sums not exceeding fifteen thousand pounds:

For purposes relating to markets and slaughter-houses, any sum or sums not exceeding ten thousand pounds:

For purposes relating to street improvements, any sum or sums not exceeding fourteen thousand five hundred pounds:

For purposes relating to town hall and municipal buildings, any sum or sums not exceeding ten thousand pounds:

For other purposes, any sum or sums not exceeding five thousand five hundred pounds.

Any mortgages granted for purposes relating to gas may include the gas revenue.

Any mortgages granted for purposes relating to waterworks may include the water revenue.

Any mortgages granted for purposes relating to markets and slaughter-houses may include the market revenue.

Except as otherwise provided by this Act, the provisions of the Public Health Act, 1875, with respect to mortgages, contained in sections two hundred and thirty-six to two hundred and thirty-nine (both inclusive), shall apply to mortgages under this Act as if they were mortgages under that Act, and for the purposes of such application the term "local authority" in such provisions shall mean the Corporation, and the term "clerk to the local authority" shall mean the town clerk.



[43 & 44 VICT.] *Lancaster Corporation Act*, 1880. [Ch. lxxvii.]

Provided always, that as regards any increase or addition made by virtue or for the purposes of this Act to the borough rate, or any other rate from time to time levied within the borough for defraying thereout the payment of the principal of or the interest on money borrowed or to be re-borrowed relating to gas lighting, waterworks, and street improvements, the occupier of any land used only as a canal or towing-path for the same, or as a railway constructed or used under the powers of any Act of Parliament for public conveyance, shall be assessed in respect of the same in the proportion of one-fourth part only of the net annual value thereof, or shall have the benefit of this partial exemption by means of a proportionate deduction or abatement from the amount assessed: Provided further, that as regards any such increase or addition, 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 the said canal 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 from, 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.”

A.D. 1880.

76. The Corporation may from time to time resolve that any portion of their debt then subsisting on security of outstanding mortgages or bonds of the Corporation granted by them for moneys which they are authorised to borrow for any of the purposes of any of the former Acts (including this Act), or the Municipal Corporation Acts, or the Public Health Acts, or otherwise (not exceeding an amount to be defined in and by such resolution), may be converted into stock of the Corporation of like amount, either by agreement with the holders of such mortgages or bonds or by paying off the same respectively when due and creating and issuing stock of a corresponding amount instead of re-borrowing the sums so paid off, and may also from time to time resolve that the whole or any part, to be defined in and by such resolution, of the moneys which the Corporation shall have authority to raise by borrowing under the powers of any of their former Acts, including this Act, and which

Power to  
issue stock.

A.D. 1880. shall not then have been raised, shall or may be raised by the creation and issue of stock of a corresponding amount instead of borrowing the same, and the stock created under this section shall be termed "the Lancaster Corporation Stock."

As to stock.

**77.** The Corporation shall create and issue such stock under and in accordance with the following provisions; (that is to say,)

1. The stock shall bear such fixed and perpetual interest, not exceeding the rate of four pounds per centum per annum, as the Corporation by the resolution creating the same shall determine:
2. The interest shall be payable at the office of the treasurer half yearly on the first day of January and the first day of July, unless either of such days fall on a Sunday or a day observed as a public holiday at the Bank of England, and in any such case on the following day:
3. The interest on the stock shall be a charge on the borough fund and borough rate, and on the gas, water, and market revenues:
4. The Corporation shall keep a book to be called "The Register of Lancaster Corporation Stockholders," and in such book shall be fairly and distinctly entered from time to time the names of the several corporations and the names and addresses of the several persons respectively entitled to stock, together with the amount of the stock to which such holders shall be respectively entitled, and the surnames or corporate names of such holders shall be placed in alphabetical order, and every holder (and if such holder be a corporation the clerk or agent of such corporation) may at all convenient times peruse such books gratis, and may require a copy thereof or of any part thereof, and for every one hundred words so required to be copied the Corporation may demand a sum not exceeding sixpence:
5. The receipt in writing of the corporations and persons entered in the said register, their successors, executors, administrators, or assigns, shall be a sufficient and effectual discharge to the Corporation for any moneys due to such persons and corporations as and when they shall respectively become payable, and if any stockholder be by reason of infancy or lunacy unable to give an effectual receipt the receipt in writing of the guardian or committee of his estate shall be in like manner a sufficient discharge to the Corporation:
6. The stock shall in all respects, both at law and in equity, be substituted for and represent the mortgage debts in exchange for which the same shall be granted as aforesaid, and the several parties to whom such stock shall be issued



shall be possessed thereof upon the same trusts and subject to the same powers, provisions, charges, and liabilities as those upon and to which their respective mortgage debts were immediately before such exchange thereof held and subject, and such stock shall accordingly pass or be affected by any will or other instrument disposing of or affecting such mortgage debts :

7. The Corporation shall on demand deliver to each holder of stock a certificate under their common seal stating the amount of stock held by him, and the certificate may be in the form in the Fifth Schedule, and for such certificate the Corporation may demand any sum not exceeding two shillings and sixpence :
8. The certificate of any stock shall be admitted in all courts as *prima facie* evidence of the title of the holder thereof to the stock therein specified :
9. If the certificate of any stock be worn out or damaged, then on its being produced to the Corporation they may order it to be cancelled, and thereupon they shall issue a similar certificate to the person then entitled to the certificate so worn out or damaged, or if any such certificate be lost or destroyed, then on proof thereof to the satisfaction of the Corporation, and on the giving to them of such reasonable indemnity as they may require, they shall issue a similar certificate to the person then entitled to the certificate so lost or destroyed ; and in either case a due entry of the substituted certificate shall be made by the Corporation in the register of stock, and for every such substituted certificate the Corporation may demand any sum not exceeding two shillings and sixpence :
10. Stock shall be and be transmissible and transferable as personal estate.

78. The Corporation shall not be bound to pay the interest of any stock until the person entitled thereto shall have been entered on the register of stockholders, and no such interest in arrear and not wrongfully withheld by the Corporation shall bear interest.

Certificate to be demanded before interest recoverable.

79. With respect to the transfer of stock, the following provisions shall have effect ; (that is to say,)

Transfer of stock.

1. Stock may be transferred in any amount not being fractions of a pound, and every such transfer shall be by deed duly stamped, in which the consideration shall be truly stated, and such deed may be according to the form in the Sixth Schedule :

A.D. 1880.

2. The Corporation shall keep a book to be called "The Register of Transfers of Lancaster Corporation Stock," and every such deed of transfer when duly executed shall be delivered to and be kept by the Corporation, and they shall enter a memorial of every such deed of transfer in such book, and shall indorse such entry on the deed of transfer (such indorsement to be signed by the town clerk), and shall on demand deliver a new certificate to the transferee, and for every such entry of a deed of transfer with such indorsement and with or without such certificate may demand any sum not exceeding two shillings and sixpence, and on the request of any transferee an indorsement of the transfer to him shall be made on the certificate of the stock transferred instead of a new certificate being granted, and such indorsement being signed by the town clerk shall be considered in every respect the same as a new certificate, and until such deed of transfer be so delivered to the Corporation the transferee shall not be entitled to receive any part of the interest on the stock transferred :
3. The Corporation may close the register of transfers for any period not exceeding fourteen days before the first day of January and the first day of July yearly, and any transfer made during the time when that register is closed shall as between the Corporation and the transferee, but not otherwise, be deemed made after that time :
4. If any stock become transmitted in consequence of the death or bankruptcy of any holder thereof, or in consequence of the marriage of a female holder thereof, or by any lawful means other than by a transfer according to the provisions of this Act, such transmission shall (if so required by the Corporation) be authenticated by a declaration in writing as by this Act provided, and until the transmission be so authenticated any person claiming by virtue thereof shall not be entitled to receive any interest or any part of the stock transmitted :
5. Every such declaration shall state the manner in which and the party to whom the stock is transmitted, and shall be made and signed by some credible person before a justice or before a commissioner to administer oaths in the Supreme Court of Judicature in England, and such declaration shall be left with the Corporation, and thereupon they shall enter the name of the person entitled under such transmission in the register of transfers, and for every such entry the Corporation may demand any sum not exceeding five shillings :
6. If the transmission be by virtue of the marriage of a female stockholder the declaration shall contain a copy of the



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register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of the stock, and if the transmission be by virtue of any testamentary instrument or by intestacy the probate of the will or the letters of administration, or an official extract therefrom, shall, with the declaration, be produced to the Corporation, who shall upon such production in either of those cases make an entry of the declaration in the register of transfers, and for every such entry the Corporation may demand any sum not exceeding five shillings.

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80. If the interest of any stock or any part thereof being payable be not paid upon demand thereof in writing made to the Corporation by the holders thereof such holders may sue for and recover the same, with full costs of suit, in any court of competent jurisdiction.

Interest on stock recovered by suit.

81. If within one month after the interest on any stock or any part thereof has become payable, and after demand thereof in writing it be not paid, the holder thereof, without prejudice to his right to sue for the amount in arrear, may, if his debt alone amount to the sum of one hundred pounds, or if his debt does not amount to that sum he may in conjunction with other stockholders whose debts being so in arrear after demand as aforesaid shall together with his debt amount to the said sum, require the appointment of a receiver by an application to be made as in this Act provided.

Receiver may be appointed if arrears remain unpaid for the time prescribed.

82. Every application for a receiver shall be made to two justices, and on such application such justices by order in writing, after hearing the parties, may appoint some person to receive the whole or a competent part of the rates, rents, and revenues liable to the payment of the interest on the stock until the interest in arrear in respect whereof the receiver is appointed, and all costs, including the costs of receiving such rates, rents, and revenues, be fully paid; and upon such appointment being made all such rates, rents, and revenues as aforesaid shall be paid to and received by the person so appointed, who is hereby empowered to give good and sufficient discharges for the same, and the money so to be received shall be so much money received by or to the use of the several stockholders interested in the same, and shall be distributed by the receiver accordingly, and after all interest in arrear and costs shall have been paid the powers of the receiver shall cease.

Mode of appointment of receiver.

83. A person investing money in stock, or accepting stock in lieu of and by way of conversion of any security under the former Acts or this Act, shall not be bound to see or inquire whether such stock is created or required for the purposes of the former Acts or this Act, or is or are within the borrowing powers of the Corpora-

Holders of stock, &c. to be free from inquiry.

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tion, or otherwise in accordance with the provisions of this Act, and shall not be prejudiced by the same not being so, and shall not be bound to see to or inquire into the application of the moneys or any part of the moneys arising from such stock, or of any such security, or be in any way responsible for the non-application or misapplication thereof, and shall not be bound to inquire whether the Council when creating such stock, or any meeting thereof, was properly constituted or convened, or that the proceedings at any meeting of the Council were legal or regular.

Corporation may redeem stock.

84. The Corporation may by agreement with any of the stockholders at any time, if they think fit, redeem or purchase any portion of the stock, and when any portion is so redeemed or purchased an entry of the redemption or purchase thereof shall be made in the register of stockholders, and thereupon such redeemed or purchased portion shall be wholly extinguished.

Saving rights.

85. The stock to be created as aforesaid shall be subject to the mortgages and bonds at present existing or to be created under the powers of this Act, including the mortgage debt of the company.

Restriction as to borrowing powers.

86. After the conversion of any mortgages or bonds into stock, or after any money shall have been raised by the Corporation by the issue of stock, it shall not be lawful for the Corporation to issue mortgages or bonds or any other securities for the amount so converted or raised, or again to borrow the same, but the powers of borrowing by the Corporation shall to that extent be extinguished.

Priority of stock not to be affected by time of creation.

87. No holder of any portion of stock shall have any priority or preference by reason of the creation or issue of such portion of stock before the creation or issue of any other portion of stock.

Application of money raised.

88. When any stock has been created and issued under this Act in order to raise any portion of a loan authorised by any of the former Acts or by this Act, the money raised thereby shall be applied for the purposes to which such loan is legally applicable.

Consent of trustees of incapacitated persons, &c. to conversion.

89. Any person who holds any security granted by the Corporation before the passing of this Act, and who is one of the persons enabled by the Lands Clauses Consolidation Act, 1845, section seven, to sell land under that Act, may consent to any arrangement authorised by this Act for the conversion of such security into stock or to the payment of the moneys due on such security before the time limited for the payment thereof, and may accept money for such consent, and such person is hereby indemnified for so doing.

New provisions as to sinking funds

90. Notwithstanding the provisions of the former Acts with respect to the formation of and appropriation for sinking funds for



the repayment of such moneys borrowed or to be borrowed under the powers of those Acts as are not repayable by instalments, and in lieu of such provisions, the annual sum to be hereafter appropriated for the formation of any and every such sinking fund shall be such a sum as (when invested and accumulated in any manner by this Act authorised for the investment and accumulation of sinking funds) will be sufficient to pay off such moneys at the expiration of the full period for which the moneys are respectively authorised to be borrowed.

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for moneys  
borrowed or  
to be bor-  
rowed under  
former Acts.

**91.** The first payment into the sinking fund to be provided for the repayment of the moneys authorised to be borrowed under the Act of 1876 shall, notwithstanding anything in that Act or the Local Loans Act, 1875, contained, be made on the first day of July following the passing of this Act, and the prescribed period for the discharge of the said moneys authorised to be borrowed under the Act of 1876 shall in each case be sixty-five years from that date.

As to sink-  
ing fund  
for moneys  
borrowed  
under  
39 & 40 Vict.  
c. clxxxvi.  
38 & 39 Vict.  
c. 83.

**92.** All moneys borrowed or re-borrowed by the Corporation under the authority of this Act may be borrowed and re-borrowed for the term or the residue of the term by this Act prescribed with respect to the original loan, and subject as aforesaid, may be repaid by yearly or half-yearly instalments or by means of 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 owing of which such instalment or instalments form part, shall in every year amount to the same sum.

Borrowed  
money may  
be repaid by  
instalments.

**93.** When any land, rents, or other property is or are sold by the Corporation, the same shall, in the hands of any person or body corporate to whom the same shall have been sold, and his or their heirs, executors, administrators, successors, and assigns, be absolutely free from all claims, charges, or obligations in respect of any mortgages or stock granted or issued under this Act, and such person or body corporate shall not be bound to see or inquire into the application by the Corporation of the money arising from such sale or be in any way responsible for the non-application thereof.

Land sold to  
be free from  
stock.

**94.** With respect to sinking funds for the repayment of such of the moneys borrowed under the powers of this Act as are not repayable by instalments and for the redemption of stock, the following provisions shall have effect; (namely,)

As to sink-  
ing funds.

In order to discharge such moneys and to redeem the stock the Corporation shall in every year, out of the revenue tolls, funds, and rates on which such moneys and stock are respec-

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tively charged, appropriate and set apart certain sums to form sinking funds, which sums may be accumulated at interest in the hands of the bankers of the Corporation until they shall have amounted to the sum of one thousand pounds, and so soon as the same shall have so accumulated they 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, stock, debentures, debenture stock, or annuity certificates granted or issued under any Act under which the Corporation are authorised to borrow money; and the sums of money so to be set apart shall be such as will, with the accumulations thereof in the way of compound interest at four pounds per centum per annum, be sufficient, after payment of all expenses, to pay off such moneys and to redeem the stock at a capitalised value (to be taken for this purpose at twenty-five years purchase) in the following periods; (that is to say,)

As to such moneys and as to stock created for the purpose of this Act, in sixty-five years from the date of the borrowing of such moneys respectively or the creation of such stock, as the case may be;

As to stock created for the purpose of paying off moneys already borrowed or authorised to be borrowed, in the periods limited for the repayment of those moneys by the Act under which such moneys were borrowed or by this Act.

The appropriation for the said sinking funds shall commence at the following periods; (namely,)

For repayment of stock, on the first day of July following the creation of such stock;

For repayment of moneys to be borrowed under the powers of this Act, on the first day of July next following the time of the borrowing of such moneys:

Provided as follows; (that is to say,)

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, or to the redemption of the stock, 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 herein-before prescribed, until the whole of the borrowed moneys or stock to which such sinking fund is applicable are discharged or redeemed, a sum equal to the interest produced by the sink-



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ing fund or part thereof so applied, or the stock so redeemed :  
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 mortgages then outstanding or of the stock then subsisting 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 : Provided also that any mortgages, stock, debentures, or debenture stock 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.

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95. 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 or to be paid off by instalments 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 paid by instalments or invested for the purpose of such sinking fund during the year next 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 thereof, 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 pay any instalment or 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 sinking fund, and any such order may be enforced by Mandamus to be obtained by the Local Government Board.

Annual return to Local Government Board with respect to sinking funds.

96. If the Corporation pay off any moneys borrowed by them under this or any of the former Acts otherwise than by instalments or by means of a sinking fund, or out of the proceeds of the sale of land acquired under the powers of this Act or any of their former Acts, they may re-borrow the same, and so from time to time : Provided that all moneys so re-borrowed shall be repaid within the period

Power to re-borrow.

A.D. 1880. — prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made, and that the moneys originally borrowed, and any amounts from time to time re-borrowed under the foregoing provisions for the repayment of such moneys, shall for the purpose of section fifteen of the Local Loans Act, 1875, be deemed to form the same loan, and the obligations of the Corporation with respect to the sinking fund to be set aside in respect of such moneys shall not be in any way affected by reason of such re-borrowing.

Corporation  
may borrow  
on specific  
securities.

**97.** All moneys borrowed or re-borrowed by the Corporation otherwise than by means of stock may be borrowed and re-borrowed on the security of all or any specific part or parts of their funds, rates, rents, tolls, and revenues, anything in any of the former Acts to the contrary notwithstanding.

Corporation  
not to regard  
trusts.

**98.** The Corporation shall not be bound to see to the execution of any trust, whether expressed or implied, or constructive to which any stock or security given by them may be subject, but the receipt of the person in whose name any such stock or security stands in the register book of the Corporation shall from time to time be a sufficient discharge to the Corporation for any money payable in respect of such stock or security, notwithstanding any trusts to which it 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 stock or security or any part thereof, or interest thereon, not entered on their register, and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss, misapplication, or non-application of any of such money.

Powers to  
trustees and  
others to in-  
vest in stock.

**99.** It shall be lawful for the trustees for the time being of the charities known as the Lancaster Charities, or of any of such charities, without any sanction or authority other than this Act, and a resolution at any meeting specially convened for the purpose passed by two thirds of the whole number of trustees for the time being, to invest all or any of the stocks, funds, and moneys forming part of any of their trust funds or under their control in the stock of the Corporation.

It shall be lawful for the Corporation to invest all or any of the stocks, funds, and moneys vested in or belonging to them, for the purposes of an Act of the thirty-sixth year of George the Third, intituled "An Act for embanking, draining, and otherwise improving a certain stinted pasture called Lancaster Marsh, in the county palatine of Lancaster," and of so much of the Act of 1864 as relates to the said Marsh, in the stock of the Corporation, so as not to effect any merger.



Any trustees or other persons for the time being authorised or directed to invest any moneys on the mortgages, debentures, bonds, or other securities of municipal corporations or urban sanitary authorities shall, unless the contrary is provided by the instrument authorising or directing such investment, have the same power of investing such moneys in stock of the Corporation as they have of investing such moneys on the mortgages, debentures, bonds, or other securities of such corporations or authorities as aforesaid.

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**100.** Where by any Act or Provisional Order passed or confirmed in the present or any future session of Parliament the Corporation are empowered to borrow on mortgage any moneys for the purposes in such Act or Order mentioned, then and in every such case the Corporation may, if they shall by resolution so determine, from time to time raise all or any part of such moneys by the creation of further stock, instead of borrowing such moneys or such part of the same on mortgage, and such further stock shall rank *pari passu* with the stock created and issued under the authority of this Act.

How money may be raised under Provisional Order, &c.

**101.** The Corporation may, if they think fit, borrow and re-borrow any moneys which they are by this Act 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 or re-borrowed in manner by this section authorised 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 of if raised by way of mortgage under the powers of this Act, 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 this Act, 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.

Power to borrow under 38 & 39 Vict. c. 83.

The forms in the Fifth and Sixth Schedules may, *mutatis mutandis*, be used by the Corporation with respect to any moneys borrowed or to be borrowed under the powers of the Local Loans Act, 1875.

**102.** All expenses incurred by the Corporation in carrying into effect the provisions of this Act with respect to gas (except such expenses as are to be paid out of borrowed moneys) shall be paid out of the gas revenue, and if in any year the gas revenue be insufficient

Current expenses of gas undertaking.

A.D. 1880. — for the purposes to which it is applicable such deficiency shall be made up from the borough fund and borough rates.

Application  
of gas  
revenue.

**103.** The Corporation shall apply the gas revenue as follows ;  
(that is to say,)

First. In payment of their costs, charges, and expenses of and incidental to the collecting and recovering of gas revenue and of the borrowing of money for gasworks purposes under this Act ;

Secondly. In payment of the working and establishment expenses and costs of maintenance of the gas undertaking ;

Thirdly. In payment of the interest on the mortgage debts of the company according to their several priorities ;

Fourthly. In payment of the interest on so much of the stock as shall be created and issued for the purposes of the gas undertaking, and in payment of the interest on money borrowed under this Act on the security of the gas revenue ;

Fifthly. In providing the requisite instalments or sinking fund under this Act for payment off of such stock and moneys borrowed on the security of the gas revenue ;

Sixthly. In providing a reserve fund, if they think fit, 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 twelve 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 the gas 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 twelve thousand pounds, and so from time to time as often as such reduction happens ;

and shall carry to the borough fund any balance remaining in any year and the annual proceeds of the reserve fund when such fund amounts to twelve thousand pounds.

Application  
of water  
revenue.

**104.** The Corporation shall apply the water revenue as follows ;  
(that is to say,)

First. In payment of their costs, charges, and expenses of and incidental to the collecting and recovering of water revenue and of the borrowing of money for waterworks purposes under this Act ;

Secondly. In payment of the working and establishment expenses and cost of maintenance of the waterworks undertaking ;



Thirdly. In payment of the interest on so much of the stock as shall be created and issued for the purposes of the waterworks undertaking, and in payment of the interest on money borrowed under this Act and the former Acts on the security of the water revenue ;

Fourthly. In providing the requisite instalments or sinking fund under this Act and the former Acts for payment off of such stock and moneys borrowed on the security of the water revenue ;

Fifthly. In providing a reserve fund, if they think fit, 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 twelve 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 the waterworks 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 twelve thousand pounds, and so from time to time as often as such reduction happens :

and shall carry to the borough fund any balance remaining in any year and the annual proceeds of the reserve fund when such fund amounts to twelve thousand pounds.

**105.** The Corporation shall apply the market revenue as follows ; (that is to say,) Application  
of market  
revenue.

First. In payment of their costs, charges, and expenses of and incidental to the collecting and recovering of market revenue and of the borrowing of money for market and slaughter-house purposes under this Act ;

Secondly. In payment of the working and establishment expenses and costs of maintenance of the market and slaughter-house undertaking ;

Thirdly. In payment of the interest on so much of the stock as shall be created and issued for the purposes of the market and slaughter-house undertaking, and in payment of the interest on money borrowed under this Act and the former Acts on the security of the market revenue ;

Fourthly. In providing the requisite instalments or sinking fund under this Act and the former Acts for payment off of such stock and moneys borrowed on the security of the market revenue ;

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Fifthly. In providing a reserve fund, if they think fit, 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 five hundred 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 the market and slaughter-house 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 five hundred pounds, and so from time to time as often as such reduction happens ;

Sixthly. In improving their markets and slaughter-houses ;

And shall carry to the borough fund any balance remaining in any year and the annual proceeds of the reserve fund when such fund amounts to one thousand five hundred pounds.

Separate  
accounts.

**106.** The Corporation shall keep separate accounts of their receipts and expenditure for gas, water, and market and slaughter-house purposes on capital and revenue account, and they may apportion between those and any other accounts any expenditure incurred for purposes common to two or more of them.

#### PART VI.—SUPPLEMENTAL.

Retiring  
allowances.

**107.** Subject to the approval of the Local Government Board, upon the retirement of any officer of the Corporation, or upon his ceasing to hold office for any reason which the Corporation may deem sufficient, the Corporation may, upon such terms and conditions as they think fit, grant to such person a sum or sums of money by way of pension, allowance, or gratuity, and either by way of annuity or otherwise.

Committees  
of council.

**108.** The Corporation may, if they think fit, execute all or any of their powers relating to their water undertaking or their gas undertaking by committees of the council, and may by order prescribe the mode in which the business of any such committee shall be conducted: Provided always, that in no case shall a committee be authorised to borrow any money or to make any rate.

Paid  
auditors.

**109.** The Corporation may from time to time appoint and pay a competent person to act as auditor of the accounts of the Corporation in addition to, and to act either along with or apart from, the auditors elected or appointed under the Municipal Corporations Acts.



[43 & 44 VICT.] *Lancaster Corporation Act*, 1880. [Ch. lxxvii.]

**110.** 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.

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

**111.** 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 such deputy the performance of all or certain of the duties of his office under any Act of Parliament for the time being in force within the borough, or under any byelaw of the Corporation, and the acts of such deputy within the terms and during the continuance of such appointment shall be valid accordingly. The provisions of section fifty-eight of the Municipal Corporations Act, 1835, shall apply with respect to the salary or allowance to and the securities to be taken from every such deputy.

Town clerk,  
&c. may  
appoint  
deputy.

**112.** The production of a written or printed copy of any byelaws purporting to be authenticated by the written, printed, or impressed signature of the town clerk shall be *prima facie* evidence of the existence of such byelaws, and that all preliminaries requisite to the making and operation thereof have been duly observed and fulfilled.

Further pro-  
vision as to  
byelaws.

Where a person commits any offence against any of the provisions of this Act for which no penalty is expressly provided such person shall be liable to a penalty not exceeding forty shillings.

Whenever under the provisions of this Act a person is committed to prison, whether in default of payment or of distress, or otherwise, the court may direct that such imprisonment be with or without hard labour, at their discretion.

All byelaws under this Act shall be made, confirmed, and enforced in the same manner and subject to the same regulations and restrictions as byelaws made by an urban sanitary authority under the provisions of the Public Health Acts.

**113.** Any instrument, account, or proceedings (including a notice, order, resolution, declaration, adjudication, requisition, consent, approval, disapproval, demand, determination, appointment, or other document) made, kept, done, given, delivered, or served by the Corporation or the Council under this or any other Act or any byelaw may be under the short title of "The Corporation of Lancaster," and may be either in print or in writing (including lithograph), or partly in print and partly in writing

Form and  
service of  
notices by  
Corporation.

A.D. 1880. — (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) 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 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 was properly addressed and posted: Provided always, that in the case of a railway company any such instrument shall be delivered or sent by post addressed to the secretary to the company at their principal office or place of business.

Effect of  
schedules  
and direc-  
tions as to  
forms.

**114.** The schedules shall be read and have effect as if they were part of this Act.

The forms contained in the schedules, or forms to the like effect, may be varied as circumstances require.

Penalties not  
to be cumu-  
lative.

**115.** Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act and the incorporated Acts shall be deemed separate Acts.

Powers of  
Act cumula-  
tive.

**116.** 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



[43 & 44 VICT.] *Lancaster Corporation Act*, 1880. [Ch. lxxvii.]

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 passed. A.D. 1880. —

**117.** Nothing in this Act shall interfere with the operation of the Contagious Diseases (Animals) Act, 1878, or of any order of Her Majesty's Privy Council made thereunder, or of any order or regulation of a local authority made under any such order of the Privy Council, or exempt the markets and slaughter-houses to which this Act relates, or any body or person, from all provisions of any general Act relating to animals now in force or to be passed in this or any future session of Parliament. Saving for Acts relating to animals. 41 & 42 Vict. c. 74.

**118.** Except as is by this Act otherwise expressly provided, nothing in this Act shall take away or abridge any right, power, or authority which the Corporation have or may enjoy under the Municipal Corporation Acts, or the former Acts, or under their charters, or otherwise independently of this Act; and nothing in this Act shall be deemed to extinguish or prejudice any of the ancient or common law rights of the Corporation, or any member or officer thereof, in respect of markets or slaughter-houses, or any right, privilege, jurisdiction, immunity, rent, toll, stallage, dues, duties, or customs of whatsoever kind saved by the former Acts. Saving general rights of Corporation.

**119.** The costs, charges, and expenses of and incidental to the applying for, obtaining, and passing of this Act shall be paid by the Corporation out of moneys borrowed under the authority of this Act, subject to the provisions of the Municipal Corporations (Borough Funds) Act, 1872. Expenses of Act. 35 & 36 Vict. c. 91.

A.D. 1880.

SCHEDULES.

THE FIRST SCHEDULE.

FORM OF DEED OF TRANSFER OF GAS UNDERTAKING.

In pursuance of and subject to the provisions of the Lancaster Corporation Act, 1880, and in consideration of [*here insert the consideration*], the Lancaster Gas Company hereby transfer and convey unto the Corporation of Lancaster the undertaking, property, rights, powers, and privileges of the Company to hold the same unto the said Corporation, their successors and assigns, and the said Corporation do accept the same accordingly.

In witness whereof the company and the said Corporation have caused their common seals to be affixed this                      day of                      one thousand eight hundred and eighty-

THE SECOND SCHEDULE.

Describing LANDS, BUILDINGS, or MANUFACTORIES of which portions only are required.

Township or Parish.	Numbers on deposited Plans (all inclusive).											
Lancaster -	-	9.	12.	13.	14.	24.	25.	27.	31.	36.	37.	45.

THE THIRD SCHEDULE.

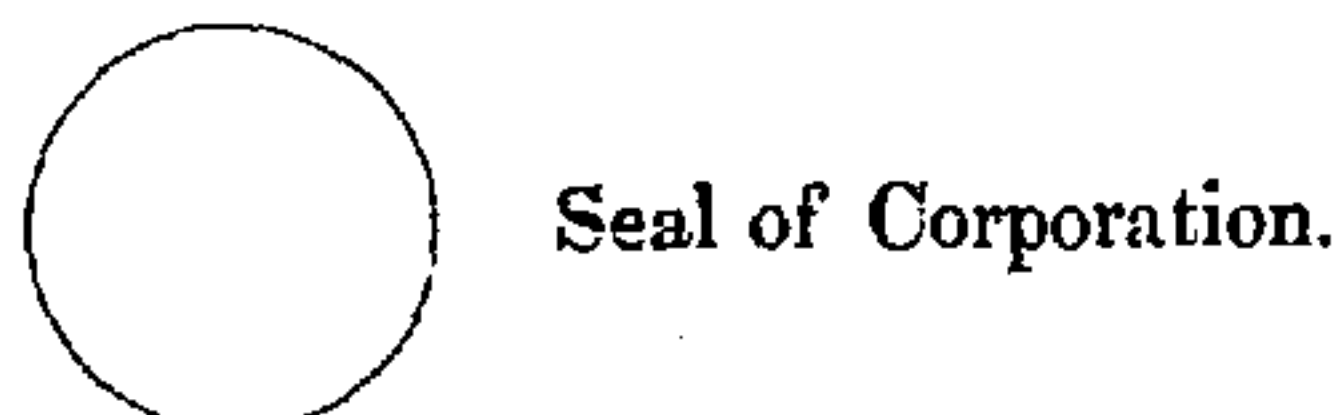
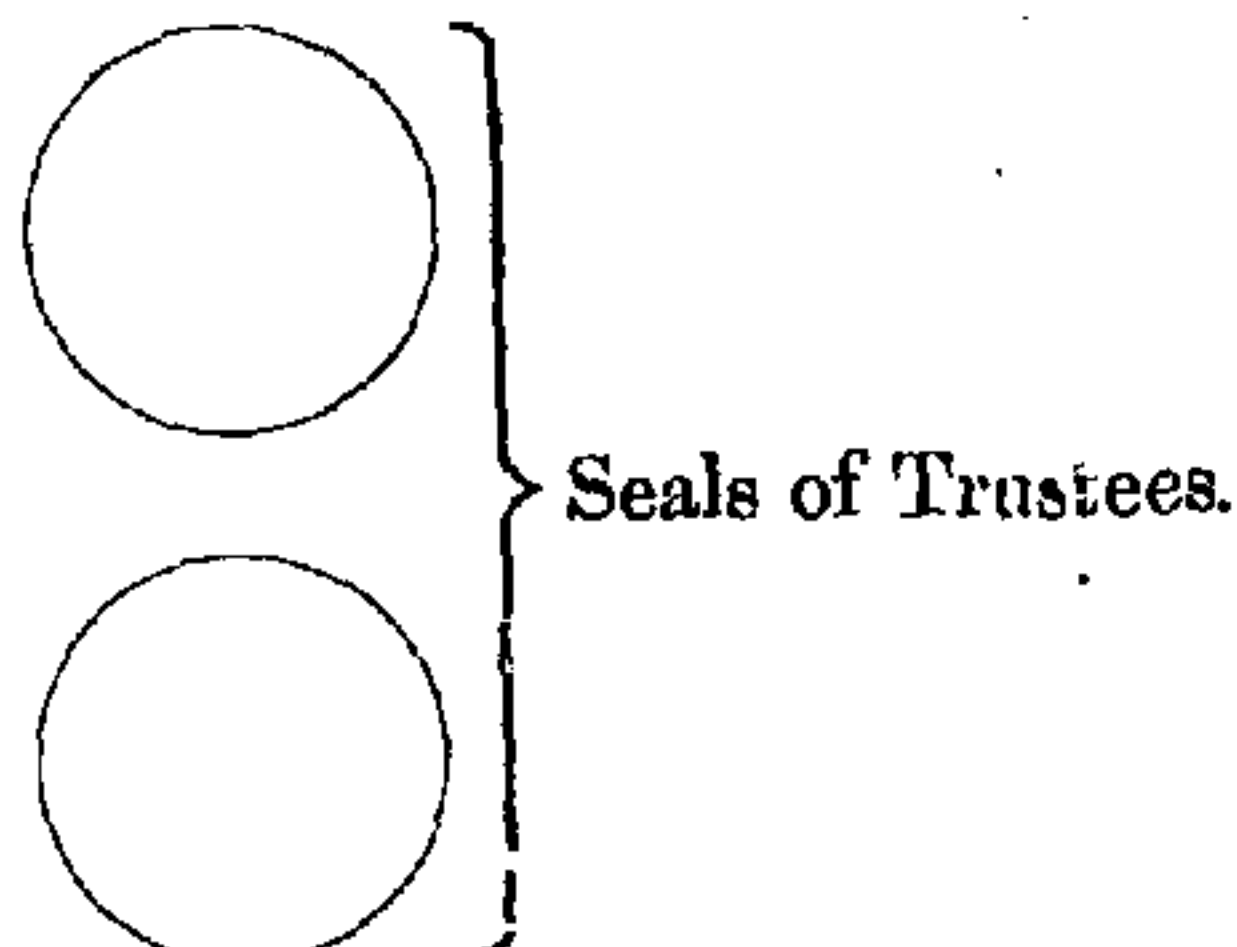
FORM OF CONVEYANCE BY TRUSTEES OF LANCASTER MECHANICS INSTITUTE TO THE CORPORATION OF LANCASTER.

By virtue of the Lancaster Corporation Act, 1880, the undersigned, being the majority of the trustees of the Lancaster Mechanics Institute, hereby grant, assign, and transfer to the mayor, aldermen, and burgesses of the borough of Lancaster all such estate and interest as the said trustees have in [*here describe the premises*] to hold for the purposes in the said Act mentioned.



[43 & 44 VICT.] *Lancaster Corporation Act, 1880.* [Ch. lxxvii.]

In witness whereof the said trustees have hereunto set their hands and seals A.D. 1880.  
and the Corporation have caused their common seal to be affixed this  
day of 18 .



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#### THE FOURTH SCHEDULE.

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##### CERTIFICATE OF DISEASE, &c.

Lancaster Corporation Act, 1880.

To the Corporation of the borough of Lancaster.

Pursuant to the above-mentioned Act, I hereby certify and declare that in my opinion the under-mentioned person is suffering from an infectious disease within the terms of the said 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 the disease - - -

NOTE.—This certificate must (under penalty of five pounds in case of neglect) be forthwith sent to the medical officer at his office, or to the inspector of nuisances at his office, and delivered to the official clerk or servant who shall be found in attendance there.

A.D. 1880.

THE FIFTH SCHEDULE.

FORM OF CERTIFICATE OF STOCK.

Borough of Lancaster.

No.

This is to certify that \_\_\_\_\_ of \_\_\_\_\_  
is the proprietor of \_\_\_\_\_ pounds of the Lancaster Corpora-  
tion stock issued by the mayor, aldermen, and burgesses of the borough of  
Lancaster, in the county of Lancaster, pursuant to Act of Parliament.

Given under the common seal of the said mayor, aldermen, and burgesses  
this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and

£ \_\_\_\_\_

L. S.

THE SIXTH SCHEDULE.

FORM OF TRANSFER OF STOCK.

I (A.B.) \_\_\_\_\_ of \_\_\_\_\_ in consideration  
of the sum of \_\_\_\_\_ pounds paid to me by (C.D.)  
\_\_\_\_\_ of \_\_\_\_\_ do hereby transfer  
to the said (C.D.) \_\_\_\_\_ his executors, administrators, and assigns, the  
sum of \_\_\_\_\_ Lancaster Corporation stock standing in my  
name in the books kept of such stock, and all my property, right, and interest  
in and to the same, and the dividends thereon.

In witness whereof I have hereunto set my hand and seal this \_\_\_\_\_ day  
of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

THE SEVENTH SCHEDULE.

An agreement, made the eighth day of March one thousand eight hundred and  
eighty, between the mayor, aldermen, and burgesses of the borough of Lancaster  
(herein-after called "the Corporation") of the one part, and Anne Coulston,  
of Hawksheads, Bolton-le-Sands, in the county of Lancaster, spinster, John San-  
derson, of Lancaster aforesaid, bank manager, and Henry Knowles, of Bolton-le-  
Sands aforesaid, gentleman, the trustees of the will of John Coulston, late of  
Hawksheads aforesaid, esquire, deceased (herein-after called "the Trustees"), of  
the other part. Whereas a Bill is now pending in the House of Commons, in-  
titled "A Bill to give effect to an agreement for the transfer to the Corporation  
" of Lancaster of the Lancaster Gas Company's Undertaking, and to authorise  
" the Corporation to make Street Improvements, and to borrow moneys; and for



other purposes," and by the Bill (clause 38) it was proposed to enact that the following road used by the public, namely, the road leading out of the highway known as the Bowerham Lane or Road, and terminating opposite the village of Golgotha in the highway leading from Lancaster to Wyresdale, should be deemed to be a public highway for carriages, horses, and foot-passengers: And whereas the trustees have presented a petition against the said Bill stating that they are owners in fee simple of the said road and the soil thereof, and of a large quantity of land adjoining the said road on each side thereof, and objecting to the conversion thereof into a public highway: And whereas the Trustees threaten to continue their opposition to the Bill, and in order to obviate such opposition, and on condition of the withdrawal by the Trustees of their petition, the terms and conditions herein-after mentioned have been agreed between the Corporation and the Trustees: Now, therefore, these presents witness, and it is hereby agreed between and by the parties hereto, as follows; (that is to say,)

1. The Trustees shall sell and convey to the Corporation, and the Corporation shall purchase from the Trustees the fee simple of so much of the road herein-before described as is not coloured blue on the plan hereto annexed, and of so much of the adjoining land of the Trustees delineated on the said plan and thereon coloured pink, including the buildings thereon, as is sufficient to make the said road thirty feet wide throughout, or at the option of the Corporation of any greater width not exceeding forty feet.

2. The Corporation shall sell and convey to the Trustees, and the Trustees shall purchase from the Corporation, the land delineated on the plan hereto annexed, and thereon coloured green.

3. So much as aforesaid of the said road and the land of the Trustees shall be taken in exchange for the said land of the Corporation, yard for yard, and any excess in area of road and land of the Trustees over the area of the land of the Corporation, or of the land of the Corporation over road and land of the Trustees, shall be paid for by the Corporation or the Trustees (as the case may be) at the price or rate of two hundred pounds per acre. Such exchange and price shall be in full satisfaction for the purchase of so much as aforesaid of the road and the land coloured pink and green respectively, and for all claims for damage to or severance of adjoining property.

4. The Corporation shall pay to the Trustees the cost of removal and re-erection elsewhere adjacent to the present site of the cowshed now upon the land coloured pink, and the value of any other buildings required to be removed for the road widening, such cost and value to be ascertained by Mr. Christopher Baynes, of Lancaster, builder, and to be in addition to the price of lands to be purchased by the Corporation other than the site of such buildings. The land purchased by the Corporation shall be laid to and form part of the said road.

5. The Corporation shall construct (where necessary) on the Lancaster side of the said road as so widened a wall of a similar height to the present wall on that side of the road, and shall construct (where necessary) on the Quernmore side of the said road as so widened a wall of four feet six inches in height, or where the present wall on that side forms part of the boundary of the road as so widened raise that wall to a height of four feet six inches.

This agreement is subject to such alterations (if any) as Parliament may think fit to make therein by any confirming Bill; but if any material alteration

[Ch. lxxvii.] *Lancaster Corporation Act, 1880* [43 & 44 VICT.]

A.D. 1880. is so made either party shall be at liberty to withdraw from this agreement before the passing of the confirming Bill.

In witness whereof the Corporation have hereto affixed their common seal, and the other parties have set their hands.

Witness to the signatures of the said John Sanderson and Henry Knowles

JAMES W. MARSHALL,  
Solicitor,  
Lancaster.

ANNE COULSTON.

JOHN SANDERSON.

Witness to the signature of the said Anne Coulston


HENRY KNOWLES.

REBECCA COLLINGRIDGE,  
Hawksheads,  
Bolton-le-Sands.

GEORGE CLEMINSON, Mayor.

The common seal of the above-named Corporation was affixed hereto in the presence of

THOM. SWAINSON,  
Town Clerk.



L.S.  
Seal of  
the Corporation  
of Lancaster.