



CHAPTER clv.

An Act to extend the Boundaries of the Borough of Lancaster to confer further powers upon the Corporation of Lancaster with respect to their Gas and Water Undertakings and with respect to Street Improvements to make further provision for the good Government of the Borough and for other purposes.

A.D. 1888.

[7th August 1888.]

WHEREAS the borough of Lancaster in the county of Lancaster is a municipal borough under the government of the mayor aldermen and burgesses thereof (in this Act called “the Corporation”) and the Corporation acting by the council are the urban sanitary authority for the district of the existing borough :

And whereas the following local Acts and Orders relating to the existing borough have been passed and are wholly or partly in force (that is to say):—

Descriptions or Short Titles of former Acts.	Hereinafter in this Act referred to as—
36 Geo. III. cap. xi. (“ An Act for Embanking Draining and otherwise Improving a certain stinted Pasture called ‘ Lancaster Marsh ’ in the County Palatine of Lancaster.”)	The Marsh Act.
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.
A Provisional Order of the General Board of Health of 1849 confirmed by the Public Health Supplemental Act 1849.	The Order of 1849.
The Lancaster Waterworks and Gas Act 1852.	The Act of 1852.
[Price 3s.]	1

A.D. 1888.

Descriptions or Short Titles of former Acts.	Hereinafter in this Act referred to as—
The Lancaster Waterworks and Gas Amendment Act 1855.	The Act of 1855.
The Lancaster Gas Company's Act 1856.	The Act of 1856.
The Lancaster Local Board of Health Act 1864.	The Act of 1864.
The Lancaster Water and Improvement Act 1876.	The Act of 1876.
The Lancaster Gas Act 1879.	The Act of 1879.
The Lancaster Corporation Act 1880.	The Act of 1880.
The Borough of Lancaster Provisional Order confirmed by the Local Government Board's Provisional Orders Confirmation (No. 6) Act 1886.	The Order of 1886.

All of which Acts and Orders are hereinafter in this Act referred to collectively as "the former Acts":

And whereas it is expedient that the boundaries of the existing borough should be extended in manner by this Act authorised:

And whereas in order to settle the division into wards of the extended borough it is desirable that a commissioner be appointed as in this Act mentioned:

And whereas it is expedient to enable the Corporation to make the street and other improvements in this Act mentioned and to acquire further lands for their gas undertaking:

And whereas plans and sections shewing the lines situations and levels of the works authorised by this Act and the lands which the Corporation may acquire under this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of 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 hereinafter respectively referred to as the deposited plans sections and books of reference:

And whereas estimates have been prepared by the Corporation for the purchase of land for and the execution of the various works by this Act authorised and for the completion of the markets and slaughter-houses authorised by the Acts of 1876 and 1880 and for the completion of the town hall and other municipal buildings and for the other works in respect of which the Corporation are by

this Act authorised to borrow and such estimates are as follows (namely) :— A.D. 1888.

- For street improvements one thousand five hundred pounds ;
- For markets and slaughter-houses two thousand five hundred pounds ;
- For the town hall and other municipal buildings three hundred pounds ;
- For flagging paving road-making and other street improvements within the added area one thousand four hundred pounds ;
- For paving and improving the Mill Race within the borough one thousand two hundred pounds :

And whereas the several works included in such estimates respectively are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas it is expedient to further extend the powers of the Corporation with reference to their markets :

And whereas it is expedient that further powers be conferred upon the Corporation with respect to their gas and water undertakings and to divers matters of local government and the health of the borough :

And whereas an absolute majority of the whole number of the council at a meeting held on the sixteenth day of December one thousand eight hundred and eighty-seven after ten clear days' notice by public advertisement of such meeting and of the purpose 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 at the option of the said council be charged on the borough fund borough rate district fund or other public funds or rates under the control and management of the council in such proportions as the council may determine or out of moneys to be borrowed by the Corporation on the security thereof :

And whereas such resolution was published twice in the said "Lancaster Observer" and has received the approval of the Local 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 reference to other matters :

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-fifth day of January one thousand eight hundred and eighty-eight being not less than fourteen days after the deposit of the Bill in Parliament :

A.D. 1888. — And whereas the owners and ratepayers of the borough by resolution in the manner provided in the third schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

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

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

PART I.

PRELIMINARY.

Short titles.

1.. This Act may be cited as the Lancaster Corporation Act 1888 and the former Acts and this Act may be cited as the Lancaster Corporation Acts 1795-6 to 1888 and the former Acts (as respectively amended or varied by any subsequent Act and by this Act) and this Act shall be construed together as one Act.

Division of Act into parts.

2. This Act is divided into parts as follows :

- Part I.—Preliminary.
- Part II.—Extension of borough.
- Part III.—Lands.
- Part IV.—Gas water and markets.
- Part V.—Street improvements.
- Part VI.—Streets and buildings.
- Part VII.—Sanitary.
- Part VIII.—Local government.
- Part IX.—Borrowing powers.
- Part X.—Miscellaneous.

Incorporation of Acts.

3. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Gasworks Clauses Act 1847 (except the provisions with respect to the amount of profit to be received by the undertakers where the gasworks are carried on for their own benefit) and the Gasworks Clauses Act 1871 (except the provision with respect to accounts) are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

4. In this Act unless the context otherwise requires the following expressions have the following meanings (that is to say) :—

“The existing borough” means the borough of Lancaster as existing immediately before the passing of this Act ;

“The added area” means the districts added to the existing borough by this Act ;

“The borough” used without qualification or “the extended borough” means the existing borough as extended by this Act;

“The Corporation” and “the council” mean respectively the mayor aldermen and burgesses and the council of the existing borough or of the extended borough as the case may require;

“The mayor” “the town clerk” “the surveyor” “the medical officer of health” “the inspector of nuisances” and “the chief constable” respectively mean the mayor the town clerk the surveyor the medical officer of health the inspector of nuisances and the chief constable of the borough and include their respective deputies (if any);

“The borough fund” “the borough rate” and “the district fund” mean respectively the borough fund borough rate and district fund of the borough;

“The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and any Act for the time being in force amending or extending the same;

“The Public Health Acts” means the Public Health Act 1875 and any Acts for the time being in force amending or extending the same;

“Person” includes a corporation;

“Rural authority” means the Lancaster rural sanitary authority;

“Highway authority” means any surveyor of highways or other authority or body having jurisdiction over the highways and streets in the added area immediately before the commencement of this Act;

“Infectious disease” means and includes small-pox cholera typhus typhoid scarlet relapsing continued and puerperal fever scarlatina and diphtheria and such other disease as the Corporation under the provisions of the Act of 1880 may from time to time declare to be infectious and this definition shall in the Act of 1880 be substituted for the definition there given of “infectious disease”;

“Place of public resort” means a building used or constructed or adapted to be used as a theatre public hall public concert-room public ball-room public lecture-room or public exhibition-room or as a public place of assembly for persons admitted thereto by tickets or by payment but shall not include a private dwelling-house used occasionally or exceptionally for any of those purposes;

“Registered medical practitioner” means any person for the time being registered under the Medical Act 1858 or any Acts amending the same;

- A.D. 1888. —
- “Former Acts” means the Acts and Orders referred to in the preamble;
 - “Existing” means existing immediately before the commencement of this Act;
 - “Daily penalty” means a penalty for each day on which any offence is continued after conviction thereof;
 - “Schedule” means schedule to this Act:

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith the Municipal Corporations Acts or the Public Health Acts or which have therein special meanings have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction and in this Act and for the purposes of this Act the expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Act to be executed by council.

5. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council with all the powers privileges duties and obligations of the Corporation as a municipal authority and as an urban sanitary authority.

Commencement of Act.

6. This Act shall (save as otherwise expressly provided) come into operation on the first day of September one thousand eight hundred and eighty-eight which date is in this Act referred to as the commencement of this Act. Provided that for the purposes of the division of the extended borough into wards and of all proceedings preliminary to the municipal elections on and after the first day of November one thousand eight hundred and eighty-eight this Act shall come into operation on its passing.

PART II.

EXTENSION OF BOROUGH.

(1) *Extension of Boundaries and of Powers of Corporation &c.*

Extension of borough.

7. The boundaries of the existing borough are hereby extended so as to comprise and the borough shall accordingly comprise in addition to the existing borough the districts described in the first schedule.

Deposit of map of extended borough.

8. A map of the borough as extended by this Act signed in duplicate by George Woodyatt Hastings esquire the chairman of the committee of the House of Commons to whom the Bill for this

Act was referred (in this Act called "the borough map") shall within one month after the passing of this Act be deposited in the Private Bill Office of the House of Commons and with the town clerk at his office. A copy thereof certified by the town clerk to be a true copy shall within the like period be deposited at each of the following offices (that is to say) the office of the Local Government Board and the office of the Director-General of Her Majesty's Ordnance Survey at Southampton. If any discrepancy shall be found to exist between the borough map and the boundaries of the extended borough as described in the first schedule the borough map shall be deemed to be correct and shall prevail. On the borough map the boundary of the existing borough is coloured red and the boundaries of the respective districts in the added area are coloured blue and green respectively.

A.D. 1888.

9. Any copy of the borough map or any extract therefrom certified by the town clerk or the surveyor to be true shall be received in all courts of justice or elsewhere as *prima facie* evidence of the contents of such map and such map shall at all reasonable times be open to the inspection of any person liable to any rate leviable within the borough and any such person shall be entitled to a copy of or extract from such map certified by the town clerk or by the surveyor on payment of a reasonable fee for every such copy or extract. All sums received under this section shall be carried to the credit of the borough fund.

Copies of borough map to be evidence.

10. Subject to the provisions of this Act the jurisdictions powers rights privileges authorities and duties of the Corporation under all charters and Acts relating to the Corporation or to the existing borough and also all the jurisdictions powers rights privileges authorities and duties of the Corporation as a municipal body and of the Corporation acting by the council as the sanitary authority for the district of the existing borough and of the Corporation acting in the execution of such public and local Acts and Orders confirmed by Parliament as are at the commencement of this Act in force within the existing borough or otherwise and of all officers and servants of the Corporation shall extend to and throughout the extended borough and all byelaws and regulations which at the commencement of this Act are in force within the existing borough shall (subject to any future repeal or amendment of the same) extend and apply to and throughout the extended borough and the jurisdictions powers rights privileges authorities duties byelaws and regulations of any rural authority or highway authority in force within the added area shall cease to be in force or to have any effect within the added area.

Authority of Corporation &c. extended.

Byelaws &c. to apply to extended borough.

A.D. 1888.
Mayor's
jurisdiction.

11. On and from the commencement of this Act the mayor shall have all such powers jurisdiction and authority in and throughout the extended borough as he now has or possesses in the existing borough and his election shall be deemed to have applied to the extended borough accordingly in all respects.

Jurisdiction
of justices
&c. extended.

12. The jurisdiction powers rights privileges authorities and duties of the justices of the peace appointed for the existing borough and of the police constables and other peace officers of the existing borough shall extend to and throughout the extended borough in the same manner and to the same extent as they now do throughout the existing borough.

Trial of
offences be-
fore com-
mencement
of Act.

13. Every person committing an offence in the added area before the commencement of this Act shall be tried adjudicated on and dealt with as if this Act had not passed.

As to Cor-
poration and
other trust
property.

14. All estates property funds tolls or other revenues rights and privileges of every description vested in the Corporation or in any trustees committee or society for charitable educational or other purposes at the commencement of this Act for the benefit of the existing borough shall vest in the Corporation or in such trustees committee or society for the benefit of the extended borough and all the rights privileges benefits and advantages enjoyed by the burgesses and inhabitants of the existing borough shall be and the same are hereby extended to the burgesses and inhabitants of the extended borough but subject to all debts liabilities and engagements affecting the same.

Exemption
from liability
to county
and other
rates.

15. On and after the commencement of this Act no lands and other property in the added area shall be liable to contribute to any county police rate or rate in the nature of a county police rate made after the commencement of this Act in or for the county of Lancaster or to any highway rate in respect of any township or parish or any sanitary poor or other rate made after the commencement of this Act by or in accordance with the precept of the rural authority or highway authority but orders or precepts respecting such rates and matters connected therewith made before the commencement of this Act and all arrears of any such rates existing at the commencement of this Act may be enforced collected and recovered as if this Act had not been passed.

Corporation
to take over
portion of
county debt.

16.—(1.) The Corporation shall pay to the justices of the peace for the county palatine of Lancaster in respect of the loss of rateable value to the county by reason of the passing of this Act in respect of:—

- (1) The police station debt for the district of South Lonsdale;
- (2) The deficiency in the county police superannuation fund;

A.D. 1888.

(3) Compensation to the clerk of the justices of the petty sessional division of South Lonsdale holden at Lancaster at the time of the passing of this Act :
such sums as shall be agreed upon between the Corporation and the justices or failing agreement as shall be determined in manner hereinafter provided.

(2.) Such sums shall be paid by the Corporation to the treasurer of the said county within six months of the date of determining the amount of such sums whether by agreement or arbitration.

17.—(1) The rates leviable by the county justices in the added area for hundred and county bridge purposes (except the rates leviable in respect of the Caton Lune Bridge) shall be commuted and the amount of such commutation shall be such sum as may be agreed upon between the Corporation and the justices or failing agreement as shall be determined in manner hereinafter provided.

Commuta-
tion of
hundred
bridge and
county
bridge rates
in added
area.

(2) Such sums shall be paid by the Corporation to the treasurer of the said county within six months of the date of determining the amount of such sum whether by agreement or arbitration.

18. If the county justices within six months after the passing of this Act require the Corporation to purchase the police-station at Skerton the Corporation shall accept and take over the same and the justices shall transfer and convey the same to the Corporation together with the residences for constables and cells connected therewith.

As to Sker-
ton police-
station:

The consideration for the transfer shall be the payment by the Corporation to the justices out of the borough fund and borough rate or moneys borrowed under the provisions of this Act of such sum as shall be agreed or failing agreement as shall be determined in manner hereinafter provided.

19.—(1) From and after the commencement of this Act the extended borough shall subject to the provisions of this Act constitute a separate and distinct township under the name of the township of Lancaster for all purposes connected with the relief of the poor the making and collection of all local rates taxes impositions and assessments and for all other civil lay and parochial purposes whatsoever and the respective parts of the added area shall for all such purposes cease to belong to the respective townships in which they are now included and the overseers and other officers thereof respectively shall except as by this Act otherwise expressly provided cease to exercise any jurisdiction rights and duties in the added area and subject to the provisions of this Act the overseers of the existing township of Lancaster shall be the overseers of the extended township and shall have and exercise therein all such

Extended
borough to
be township
of Lancaster.

A.D. 1888. — powers rights and duties as are or would be from time to time exercisable by them in the existing township.

(2.) Nothing in this Act contained shall be construed as restricting the power of the Local Government Board at any time hereafter to alter the extended township or to add it to any union of parishes in pursuance of the powers vested in them by any general statute in that behalf.

(3) Nothing herein contained shall apply to the ecclesiastical divisions of parishes.

(4) For the purposes of the election of members of Parliament and of the jury lists the several townships affected by this section shall be deemed to be unaltered until new lists are made.

Extension of
powers of
burial
board.

20. The jurisdictions powers rights privileges authorities and duties of the burial board for the township of Lancaster shall extend to and throughout the extended borough and the cemetery of the said board shall be available for inhabitants in the added area in the same manner and to the same extent and subject to the same payments rules and regulations as such cemetery is now or shall hereafter be available for the inhabitants of the existing borough.

Provisions as
to Scotforth
and Skerton
townships.

21.—(1) The whole of the existing debts and liabilities of the rural authority incurred for the supply of water and so much of the existing debts and liabilities of the rural authority incurred for sewerage and sanitary works for the townships of Scotforth and Skerton as shall be agreed upon between the Corporation and the rural authority (or failing agreement) as shall be determined by the Local Government Board shall become debts and liabilities of the Corporation.

(2) All existing sewers or rights in or affecting existing sewers (whether within or without the townships of Scotforth and Skerton) belonging to the rural authority in respect or for the purposes of the townships of Scotforth and Skerton (except the sewer in the township of Scotforth constructed wholly at the expense of the county justices) and all water mains and water apparatus of the rural authority situate in the townships of Scotforth and Skerton and also all lamp pillars belonging to the townships of Scotforth and Skerton and situate within the added area and all plans sections and drawings relating to sewers drains and buildings in the added area shall from and after the commencement of this Act be transferred to and vest in the Corporation for all the estate and interest therein of the said authority and townships respectively and may be held and enjoyed by the Corporation accordingly :

Provided that the owner or occupier of any lands and premises in the parts of the townships of Scotforth and Skerton not included in

the added area which now communicate with any sewer transferred to the Corporation under this section shall continue to have the right to sewer and drain the said premises into the sewers so transferred to the Corporation.

(3) All agreements or arrangements between the Corporation and the rural authority relating to the supply of water to the township of Scotforth shall at the commencement of this Act cease to exist:

The Corporation shall supply water to those parts of the township of Scotforth not included in the added area upon the same conditions upon which water is now supplied to the township of Scotforth by the rural authority and at rates not exceeding the rates now charged by such authority.

(4) The terms and conditions of the agreement between the Corporation and the guardians of the poor of the Lancaster Union with respect to the supply of water to the township of Skerton set out in schedule D to the Act of 1864 shall (so far as they are applicable) continue to apply to those parts of the township of Skerton which are not included within the added area.

(5) Nothing in this Act shall affect any right or custom to hold fairs in the added part of the township of Skerton.

22.—(1) Notwithstanding any of the foregoing provisions of this Act it shall be lawful for the Corporation or (as the case may require) the overseers of the existing township of Lancaster respectively on the one hand and the rural authority the highway authority and the overseers of the poor of the added area respectively on the other hand but so far only as relates to the parts of their respective districts by this Act added to the borough at any time after the passing of this Act to make and carry into effect agreements with respect to the transfer of any property liabilities or powers from such authorities or overseers respectively to the Corporation or the overseers of the existing township of Lancaster or for settling and adjusting any doubt or difference and generally with respect to the execution of the provisions of this Act.

Power of
authorities to
enter into
agreements
with Cor-
poration.

(2) Any doubt or difference arising between the Corporation or the overseers of the existing township of Lancaster and any of the said authorities or overseers as to any of such matters or the construction or execution of any such agreement or as to any matter not provided for by any such agreement shall on the application of either party stand referred to the decision of the Local Government Board who shall have full power by order finally to settle and adjust any such doubt or difference and to apportion any rights property or liabilities and generally to decide any question submitted to them as

A.D. 1888. between the Corporation or the overseers of the existing township of Lancaster and any of the said authorities or overseers.

Audit of
accounts of
authorities.

23. All accounts of the rural authority or highway authority for the half year ending at Michaelmas one thousand eight hundred and eighty-eight shall be audited in like manner and with the like incidents and consequences as if this Act had not been passed.

Saving for
deeds secu-
rities &c.

24. Subject to the provisions of this Act all deeds contracts documents securities orders notices and proceedings made or entered into with or in favour of or by or on behalf of the rural or highway authorities respectively and in force at the commencement of this Act and relating to any property liabilities or powers transferred to or vested in the Corporation by this Act shall be and remain as valid and effectual in favour of against and with reference to the Corporation and may be proceeded on and enforced in like manner to all intents and purposes as if the Corporation instead of the rural authority or highway authority as the case may be had been party or privy thereto.

Books to be
evidence.

25. All books and other documents directed or authorised to be kept by the rural or highway authorities respectively by any Act of Parliament and which at the commencement of this Act would be receivable in evidence shall be received in evidence in Her Majesty's High Court of Justice and all other courts and in all proceedings notwithstanding the cesser of the powers rights and jurisdiction of the said authorities in and over the added area.

Actions &c..
not to abate.

26. Any action cause of action prosecution or other proceeding whatsoever pending or existing at the commencement of this Act either in favour of or against any of the rural or highway authorities and relating specially to the added area shall not abate or be discontinued or prejudicially affected by this Act but on the contrary may be maintained commenced prosecuted or continued by in favour of or against the Corporation in like manner to all intents and purposes as if the Corporation instead of any such rural authority or highway authority as the case may be were party to such action prosecution or proceeding.

(2) *Division of the Borough into Wards Elections &c.*

Division of :
extended
borough into
wards.

27. The extended borough shall be divided into such number of wards with such names or distinguishing numbers and boundaries thereof as shall be fixed and determined by a scheme to be made by a commissioner to be for that purpose appointed by Her Majesty's Principal Secretary of State for the Home Department within three weeks after the passing of this Act.

28. The commissioner shall commence and proceed with the duties of his appointment with all practicable despatch and so as to complete his scheme before the thirty-first day of August one thousand eight hundred and eighty-eight or such later day as may on his application be fixed by the said Secretary of State.

A.D. 1888.

Commis-
sioner to
frame
scheme.

29. After the division of the extended borough into wards the number of the aldermen and councillors shall be such as the commissioner shall determine and the commissioner shall apportion all the councillors among the wards.

Number of
aldermen
and council-
lors.

30.—(1) The scheme shall be published in the London Gazette and also in some local newspaper or newspapers circulating in the borough and from the date of the publication in the Gazette the boundaries of wards and apportionment of councillors and other matters determined by the scheme shall be observed and be in force. Such publication shall be made by and at the expense of the Corporation.

Scheme to
be published.

(2) If Her Majesty in Council does not approve the scheme as originally prepared by the commissioner it shall nevertheless be in force for the purposes of any municipal election until Her Majesty in Council on further information and report from the commissioner definitely approves of a scheme.

31. Subject to the provisions of this Act sub-sections 5, 6, 7, 8, 9, 10, 11, 14 and 15 of section 30 of the Municipal Corporations Act 1882 shall apply as if they were re-enacted in this Act.

Application
of section 30
of 45 & 46
Vict. c. 50.

32. Anything to be done under the provisions of the Municipal Corporations Acts the Ballot Act 1872 and any other Act or Acts in relation to elections and other matters incidental thereto or by the mayor aldermen or town clerk in relation to each of the wards determined by the said scheme before the first day of November one thousand eight hundred and eighty-eight may be done in like manner as if such wards were and had been wards of the borough existing at the time of the passing of this Act and the assignment of aldermen as returning officers by the council on the ninth day of November one thousand eight hundred and eighty-seven shall so far as practicable be deemed to have applied to the several wards of the borough as determined by the said scheme subject to any provisions in that behalf made in and by such scheme and the commissioner is by this Act empowered to make all such provisions as may be necessary or proper in consequence of the extension of the borough and of the division or alteration of wards and of the numbers of councillors and aldermen.

Further pro-
visions as to
elections &c.
35 & 36 Vict.
c. 33 &c.

33. For the purposes of the burgess lists the ward rolls and the burgess roll to be made after the passing of this Act under the

Burgess lists
and burgess
rolls.

A.D. 1888.

Municipal Corporations Acts and in relation to the functions and offices of the mayor town clerk and other officers under those Acts the added area shall be deemed to have always been part of the borough. Provided that no such burgess list or ward or burgess roll so to be made as aforesaid shall be deemed to be invalid by reason only that the same shall not have been made and published or any notice or notices given at the time or times required prior to the passing of this Act if such list or roll or notice or notices be made given or published as soon after the passing of this Act as may be practicable.

Application
of Municipal
Corporations
Acts.

34. Subject to the provisions of this Act all the provisions of the Municipal Corporations Acts with respect to the division of the borough into wards or the alteration of wards shall apply to the extended borough.

Arbitration
between the
Corporation
and county
justices.

35. Any difference between the Corporation and the county justices with respect to the amount of any compensation or other payment or with respect to any other matter arising in the execution of this Act shall be determined on the application of either party by arbitration in manner provided by section 229 of the Municipal Corporations Act 1882.

PART III.

LANDS.

Power to
purchase
additional
lands.

36. Subject to the provisions of this Act the Corporation may from time to time enter upon take and use such of the lands shown upon the deposited plans and described in the deposited books of reference as they may require for the purposes of the street improvements by this Act authorised and may also enter upon take and use all or any of the lands hereinafter mentioned and shewn on the deposited plans and described in the deposited books of reference as they may require for the purposes of the gasworks of the Corporation (that is to say) :—

Lands in the parish and township of Lancaster in the county of Lancaster described in the second schedule.

Restriction
on displacing
persons of
labouring
class.

37. The Corporation shall not under the powers of this Act without the sanction of the Local Government Board purchase or acquire ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

The expression “labouring class” in this section includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their

own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the family of any such persons who may be residing with them. A.D. 1888.

38. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shewn on the deposited plans or 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 acting for the county of Lancaster for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the same county and a duplicate thereof shall also 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 it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate. Correction of errors in deposited plans and books of reference.

39. 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 six pence for every one hundred words copied therefrom. Plans &c. to be open for inspection.

40. 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 *primâ facie* evidence of the contents thereof. Copies of plans &c. to be evidence.

41. The Corporation may take by agreement and any persons by the Lands Clauses Consolidation Act 1845 enabled to sell and convey or release lands may if they think fit subject to the provisions of Powers to take easements &c.

A.D. 1888. — that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Corporation any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges 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.

Period for compulsory purchase of lands.

42. The powers of the Corporation for the compulsory purchase of lands under this part of this Act shall cease as regards lands required for gas works (described in the second schedule) after the expiration of three years and as regards lands required for street improvements after the expiration of five years from the passing of this Act.

PART IV.

GAS, WATER, AND MARKETS.

Power to use lands for gas purposes.

43. The Corporation upon such of the lands delineated on the deposited plans and described in the deposited books of reference as are also described in the second schedule may erect lay down and provide and from time to time maintain alter improve and enlarge extend and renew or discontinue gasworks and works for the manufacture distribution and storage of gas and for the conversion utilisation and distribution of the materials used in and about the manufacture of gas and residual products resulting from such manufacture and may make and store gas and may manufacture store and sell coke tar ammoniacal oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas and the said lands when acquired by the Corporation and all works and buildings to be erected thereon shall be held by the Corporation as and be deemed to be part of their gas undertaking.

Supply of water for other than domestic purposes.

44. The Corporation may if they think fit in any case refuse to supply water for other than domestic purposes except by meter.

Agreements as to Abbeystead Compensation Reservoir.

45. Whereas by section 17 of the Act of 1876 (as to management of flow of water from Abbeystead Reservoir) the owners and occupiers for the time being of falls of water on the River Wyre between the Abbeystead Compensation Reservoir of the Corporation and Kirkland Mill in the parish of Church Town inclusive were constituted managers of the control of the flow of compensation water from the said reservoir and for the other like purposes in that section mentioned Notwithstanding anything contained in the former Acts the Corporation on the one hand and the managers or a quorum of them (as defined by the said section) on the other hand

may enter into and carry into effect agreements or arrangements with reference to the management cleansing and control of the said reservoir and the flow of compensation water therefrom and other like matters and the release or otherwise of the Corporation from all or any obligation or duty towards the managers with reference to any such matters under any of the former Acts or otherwise. A.D. 1888.

46. And whereas the Corporation have erected in a certain field within the borough belonging or reputed to belong to them called the Prince William Henry Field various pens stands and other conveniences for the accommodation of cattle sheep and other animals brought into the borough for the purposes of sale and the ancient cattle market formerly held in certain of the public streets within the borough has been removed to the said field Be it enacted that the provisions contained in Part III. (Markets and Slaughter Houses) of the Act of 1876 and Part III. (Markets and Slaughter Houses) of the Act of 1880 so far as they are applicable shall extend to the cattle market in the said field or to any other place where the same market may from time to time be removed within the borough and the Corporation may take and recover the several tolls set forth in the third schedule in respect of cattle sheep and other animals brought to the said market or such other tolls as may from time to time be fixed by the Corporation with the approval of the Local Government Board and the limits of the markets and fairs of the Corporation shall be the same as the limits of the borough for the time being. Extension of market provisions in former Acts.

PART V.

STREET IMPROVEMENTS.

47. Subject and according to the provisions of this Act the Corporation may make and maintain the street improvements hereinafter mentioned and shewn on the deposited plans together with all necessary works and conveniences connected therewith or incident thereto on the lines and situations shewn on the deposited plans and upon the levels shewn upon the deposited sections (that is to say):— Power to make street improvements.

The widenings of the following public roads or streets viz.:

- (1) George Street the approach to the Friarage Canal Bridge that bridge and Quarry Road on the south side commencing twenty-four yards or thereabouts east of the east side of Robert Street and terminating seventy-one yards or thereabouts east of the centre of the said bridge:
- (2) George Street the approach to the Friarage Canal Bridge that bridge and Quarry Road on the north side commencing

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eleven yards or thereabouts east from the east side of Robert Street and terminating fifty-four yards or thereabouts east of the centre of the said bridge :

- (3) Penny Street and the bridge over the canal on their west sides between a point seven yards or thereabouts south of the south side of Aldcliffe Street and the north-east corner of Springfield Park.

Period for
completion
of works.

48. The works authorised by this part of this Act shall be completed within seven years from the passing of this Act and on the expiration of that time the powers by this Act given to the Corporation for or in relation to the construction of those works shall cease except as to so much thereof as is then completed.

Deviations.

49. In the construction of the works authorised by this part of this Act the Corporation may deviate vertically from the levels shewn on the deposited plans and sections to any extent not exceeding two feet upwards and two feet downwards.

For the pro-
tection of the
London and
North West-
ern Railway
Company.

50.—(1) The following provisions for the protection of the London and North Western Railway Company (hereinafter referred to as the North Western Company) shall apply and have effect.

(2) The Corporation shall not without the consent in writing of the North Western Company under their common seal take use enter upon or interfere with any of the lands works or property of that Company for the purpose of the construction of the works authorised by this part of this Act and the works connected therewith excepting only such parts thereof as are shewn on a plan signed by Alfred Creer the engineer of the Corporation and Francis Stevenson the engineer of the North Western Company and therein coloured red Provided always that with respect to the lands coloured green on the said plan the Corporation may purchase and take and the North Western Company may and shall sell and grant an easement or right of using the same for the purpose for which but for this enactment the Corporation might purchase and take the same.

The widening of the bridges over the Lancaster Canal shall be so constructed as to carry the same over the whole of the waterway of the canal and towing-path at the respective points of crossing by single spans with clear headways throughout the entire width of such widenings of not less than the existing headways at such points of crossing respectively.

(3) All works affecting the lands canal or other property of the North Western Company shall be constructed according to plans and specifications to be previously submitted to and approved by and to the reasonable satisfaction of the principal engineer of the North Western Company Provided always that if the said engineer shall for the space of one month neglect to approve the said plans

and specifications or shall disapprove the same then according to such plans and specifications as shall be approved by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either the Corporation or the North Western Company. A.D. 1888.

(4) The Corporation shall construct the bridge widenings and works by this Act authorised so as in no way to obstruct impede or interfere with the free and uninterrupted and safe use of the said Lancaster Canal or the works connected with the said canal or the traffic thereon.

(5) The Corporation shall at all times maintain the said bridge widenings with the west approach to the Friarage Bridge and the roadways and footways whenever widened or interfered with and also all other works executed by them in substantial repair and condition to the reasonable satisfaction in all respects of the principal engineer of the North Western Company and if and whenever the Corporation fail so to do the North Western Company may make and do in and upon as well the lands and works of the Corporation as on their own lands and works all such works and things as they may reasonably think requisite in that behalf and the sum from time to time certified by their engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Corporation and in case of any difference between the Corporation and the North Western Company under this sub-section the same shall be determined by an engineer to be appointed as hereinbefore provided.

(6) All the works constructed by the Corporation for widening the said bridges including roadways footways and approaches shall be maintained by the Corporation at their own expense.

(7) The Corporation shall bear and on demand pay to the North Western Company the expense of the employment by that Company during the execution of any works affecting their canal of a sufficient number of inspectors and watchmen to be appointed by that Company for watching their said canal and the works connected therewith respectively with reference to and during the execution of such intended works and for preventing so far as may be all interference obstruction danger and accidents from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employ of the Corporation or of their contractors with reference thereto or otherwise.

(8) If by reason of the execution of any of the works or any proceedings of the Corporation or the failure of any such works or any act or omission of the Corporation or of their contractors or of any person in the employ of the Corporation or of their con-

A.D. 1888. — tractors or otherwise the said canal of the North Western Company or any of the works connected therewith shall be injured or damaged such injury or damage shall be forthwith made good by the Corporation at their own expense or in the event of their failing to do so then the North Western Company may make good the same and recover the expense thereof with full costs against the Corporation in any court of competent jurisdiction and if any interruption shall be occasioned to the traffic on the said canal by reason of any of the matters or causes aforesaid the Corporation shall pay to that Company all costs and expenses to which that Company may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption such costs and expenses and compensation to be recoverable with full costs by the North Western Company in any court of competent jurisdiction.

(9) The Corporation and the North Western Company may agree for any variation or alteration in works in this section provided for or the manner in which the same shall be executed.

(10) Nothing in this Act contained shall prejudice take away diminish or interfere with any of the property rights interests powers and privileges of the North Western Company otherwise than is hereby expressly provided.

PART VI.

STREETS AND BUILDINGS.

Street traffic
and proces-
sions.

51. The mayor may prohibit on certain days or during certain hours any circus procession or any procession of animals which he may consider likely to cause danger in the streets of the borough.

As to tele-
graph wires
&c. over
streets.

52. With respect to the fixing placing or attaching of wires tubes or other apparatus across over or along but not under any public street for telegraphic telephonic or any electrical purpose (all and every of which are and is in this section included under the word "apparatus") the following provisions shall have effect (that is to say):—

(1) No such apparatus shall be so fixed placed or attached as to cross over or pass along any public street except with the previous licence in writing of the Corporation under the hand of the town clerk which licence shall not be unreasonably refused and subject to such terms and conditions as they may from time to time prescribe so as to prevent danger annoyance or obstruction to passengers or traffic passing over or along or being in or upon such street Any person who offends against this enactment or who fails to observe and perform any of such terms and conditions shall be liable for each offence to a penalty not exceeding ten pounds and to a daily penalty not exceeding

forty shillings for every day the offence shall continue after notice in writing under the hand of the town clerk of the breach of this enactment and the Corporation may cause such apparatus to be removed or altered and may recover the expense of and incidental thereto in any court of competent jurisdiction;

No licence granted as aforesaid shall be revocable except by notice in writing under the hand of the town clerk and upon some ground in the interest of the public to be stated in the notice.

(2) Where such apparatus has been placed over or along a street before the passing of this Act or in pursuance of a licence under this Act the following provisions shall have effect (that is to say):—

(A) The owner or lessee of such apparatus shall always keep the same in repair and good condition and in default thereof the Corporation may serve notice on him to put the same into repair and good condition and if he fail to do so the Corporation may remove the same and may recover from him the expenses of so doing;

(B) If in the opinion of the Corporation any such apparatus is so placed as to be or to have become or to be likely to become a cause of danger obstruction or annoyance to passengers or traffic in the street the Corporation may serve notice on the owner or lessee thereof to remove the same and if he fails to do so the Corporation may remove the same subject to the appeal hereinafter provided and may recover from him the expenses of so doing.

(3) If the Corporation refuse the application for such licence or attach thereto any terms or conditions which the applicant deems unreasonable or revoke the same for any reason which the licensee deems to be not in the interest of the public or to be unreasonable or where the Corporation serve notice on the owner or lessee of such apparatus to remove the same in cases in which such apparatus has been placed over or along a street before the passing of this Act or in pursuance of a licence under this Act or in any case in which any question shall arise whether any or if any what amount of compensation should be paid in respect of such removal the applicant or licensee or such owner or lessee or the Corporation as the case may be may apply to a court of summary jurisdiction under the Summary Jurisdiction Acts for an order in the premises including any order for a licence or for a modification of the terms or conditions upon which the licence has been granted or against the revocation of the licence or against the removal of the appa-

A.D. 1888.

ratus (as the case may be) and the court may make such order thereon as they think fit and may direct by whom the cost of the application and of such removal shall be borne ;

If the order be for a modification of the terms or conditions upon which a licence has been granted the licence shall continue in force until lawfully revoked in accordance with this section subject only to the modified terms and conditions specified in the order. If the order be against the revocation of a licence the revocation shall be to all intents and purposes null and void.

- (4) The Corporation may from time to time upon giving reasonable notice to the owner or lessee thereof inspect and examine any such apparatus in order to ascertain whether it is so fixed placed or attached and is generally of such description and in such condition as not to be productive of such danger annoyance or obstruction.
- (5) The Corporation by their officers and servants may at all reasonable times (but in case of an occupied building only between the hours of nine in the morning and four in the afternoon and after twelve hours' notice to the occupier of such building) enter upon any lands or buildings in upon or to which any such apparatus is for the time being fixed placed or attached for the purpose of making such examination and inspection or of doing or executing any work under this section without being deemed trespassers or liable to any action indictment or other proceeding on account thereof.
- (6) Any expenses or compensation payable under the provisions of this section may be recovered in a county court or any court of competent jurisdiction.
- (7) The foregoing provisions of this section shall not extend or apply to any telegraphic line as defined by the Telegraph Act 1878 of the Postmaster-General.
- (8) The foregoing provisions of this section shall not apply to or include any apparatus which shall belong to any railway or canal company or which shall be used by them in connection with their business and which now is or hereafter shall be fixed upon posts or supports upon any railway or the towing-path of any canal provided such apparatus do not project or are not stretched or placed beyond such railway or towing-path over any public street or be not stretched or placed over any public street crossing over such railway.

Materials in streets sewered and paved.

53. The Corporation may remove appropriate use and dispose of any old materials existing in any street at the time of the execution by the Corporation of any works in such street unless the owners of buildings and lands in such street within twenty-four hours after

notice so to do served on them by the surveyor remove such materials or their respective proportions thereof and the Corporation may if they think fit allow the reasonable value thereof to such owners for any materials which have been re-used or removed.

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54. No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to the satisfaction of the Corporation.

No building
allowed till
street de-
fined.

55. Where on the plan of any building as submitted to and approved by the Corporation such building or any part thereof is described or shewn as or has been approved only as a lock-up shop workshop shed or place of business and not as a dwelling-house the use of such building or part thereof for the purposes of habitation or the alteration or adaptation thereof for purposes of habitation without fresh approval by the Corporation shall be an offence It shall be lawful for the mayor by warrant under his hand to authorise the surveyor or any other officer of the Corporation at any time to enter upon and examine any building suspected of being used in contravention of this section Every person who shall prevent or obstruct any such surveyor or officer so authorised from or in making such inspection shall be liable to a penalty not exceeding forty shillings.

Lock-up
shops &c.
not to be
used for
habitation,

56. Every building which is or shall be used as a place of public resort shall be provided with ample and convenient means of ingress and egress and means and appliances for the prevention and extinction of fire regard being had to the purpose for which such building is or is intended to be used and to the number of persons likely to be assembled at any one time therein and it shall not be lawful for the proprietor or occupier or person in charge of such building to allow the same to be used for any such purpose as aforesaid unless and until the surveyor has given a certificate under his hand that the building is substantially constructed and may be safely used for the purposes mentioned in the certificate and that the Corporation are satisfied with the sufficiency of the means of ingress and egress and means of prevention and extinction of fire provided at such building and before such building is used for any purpose other than that stated in such certificate a further like certificate applicable to such other purpose shall be given by the surveyor and any person who being the proprietor or occupier or person in charge of such building shall permit the same to be used for any purpose before the necessary certificate has been given shall for every such offence be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding ten pounds Provided that if a certifi-

Buildings
used for
public pur-
poses to
have suffi-
cient means
of ingress
and egress.

A.D. 1888. — cate under this section is refused or not granted in the case of a building used as a place of public resort at the passing of this Act any court before which a penalty is sought to be recovered in respect thereof under this section may refuse to inflict any such penalty where they are satisfied that a reasonable time has not elapsed to admit of the necessary alterations being made and that the necessary alterations are in progress.

Conveniences
for inns
public-houses
&c.

57. The Corporation may from time to time order the occupier of any inn public-house beershop theatre music-hall or other like place of public entertainment built before or after the passing of this Act to provide and maintain upon or adjoining such premises and in a situation to be indicated in the said order a urinal or urinals to the satisfaction of the Corporation and if any person fails after the expiration of fourteen days from the service of such order in any respect to comply with the provisions of this section he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Corporation may order the owner and occupier of any building or lands to remove any urinal belonging or attached thereto where it appears to them so situated or constructed as to be a nuisance or offensive to public decency and in default of his compliance with such order the Corporation may remove such urinal and recover the cost of so doing from such owner or occupier in a summary manner.

Private
street works.

58.—(1.) Where any street (not being a highway wholly repairable by the inhabitants at large) or the carriageway or footway or any other part of such street is not sewered levelled paved metalled flagged kerbed channelled or made good or is not lighted to the satisfaction of the Corporation the Corporation may from time to time resolve with respect to such street or part to do any one or more of the following works (in this part of this Act called private street works) that is to say to sewer level pave metal flag kerb channel or make good or to provide proper means for lighting such street or part and the expenses incurred by the Corporation in executing private street works shall be apportioned (subject as in this Act mentioned) on the premises fronting adjoining or abutting on such street or part Any such resolution may include several streets or parts of streets or may be limited to any part or parts of a street.

(2.) The surveyor shall prepare as respects each street or part of a street—

- (A) A specification of the private street works referred to in the resolution with plans and sections (if applicable);
- (B) An estimate of the probable expenses of the works;
- (C) A provisional apportionment of the estimated expenses among the premises liable to be charged therewith under this Act:

Such specifications plans and sections estimates and provisional apportionments shall comprise the particulars prescribed in Part I. of the fourth schedule and shall be submitted to the Corporation who may by resolution approve the same respectively with or without modification or addition as they think fit. A.D. 1888.

(3.) The resolution approving the specifications plans and sections (if any) estimates and provisional apportionments shall be published in the manner prescribed in Part II. of the fourth schedule and copies thereof shall be served on the owners of the premises shewn as liable to be charged in the provisional apportionment. During one month from the date of the first publication the approved specifications plans and sections (if any) estimates and provisional apportionments (or copies thereof certified by the surveyor) shall be kept deposited at the Corporation offices and shall be open to inspection at all reasonable times.

59. During the said month any owner of any premises shewn in a provisional apportionment as liable to be charged with any of the expenses of executing the works may by written notice served on the Corporation object to the proposals of the Corporation on any of the following grounds (namely) :— Objections
to proposed
works.

- (A) That an alleged street or part is not or does not form part of a street within the meaning of this Act;
- (B) That a street or part is (in whole or in part) a highway repairable by the inhabitants at large;
- (C) That there has been some material informality defect or error in or in respect of the resolution notice plans sections or estimate;
- (D) That the proposed works are insufficient or unreasonable or that the estimated expenses are excessive;
- (E) That any premises ought to be excluded from or inserted in the provisional apportionment;
- (F) That the provisional apportionment is incorrect in respect of some matter of fact to be specified in the objection or (where the provisional apportionment is made with regard to other considerations than frontage as hereinafter provided) in respect of the degree of benefit to be derived by any persons or the amount or value of any work already done by the owner or occupier of any premises:

For the purposes of this Act joint tenants or tenants in common may object through one of their number authorised in writing under the hands of the majority of such joint tenants or tenants in common.

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Hearing and
determina-
tion of
objections.

60.—(1.) The Corporation at any time after the expiration of the said month may apply to a court of summary jurisdiction to appoint a time for determining the matter of all objections made as in this Act mentioned and shall publish a notice of the time and place appointed and copies of such notice shall be served upon the objectors and at the time and place so appointed any such court may proceed to hear and determine the matter of all such objections in the same manner as nearly as may be and with the same powers and subject to the same provisions with respect to stating a case as if the Corporation were proceeding summarily against the objectors to enforce payment of a sum of money summarily recoverable. The court may quash in whole or in part or may amend the resolution plans sections estimates and provisional apportionments or any of them on the application either of any objector or of the Corporation. The court may also if it thinks fit adjourn the hearing and direct any further notices to be given.

(2.) No objection which could be made under this Act shall be otherwise made or allowed in any court proceeding or manner whatsoever.

(3.) The costs of any proceedings before a court of summary jurisdiction in relation to objections under this Act shall be in the discretion of the court and the court shall have power if it thinks fit to direct that the whole or any part of such costs ordered to be paid by an objector or objectors shall be paid in the first instance by the Corporation and charged as part of the expenses of the works on the premises of the objector or objectors in such proportions as may appear just.

Incidental
works.

61.—(1.) The Corporation may include in any private street works with respect to any street or part any works which they think necessary for bringing the street or part as regards sewerage drainage level or other matters into conformity with any other streets (whether repairable or not by the inhabitants at large) including the provision of surface and storm water outlets where necessary.

(2.) The Corporation in any estimate of the expense of private street works may include a commission not exceeding five pounds per centum (in addition to the estimated actual cost) in respect of surveys and superintendence.

Apportion-
ment of
expenses.

62. In a provisional apportionment of expenses of private street works the apportionment of expenses against the premises fronting adjoining or abutting on the street or part in respect of which the expenses are to be incurred shall unless the Corporation otherwise resolve be apportioned according to the frontage of the respective

premises but the Corporation may if they think just resolve that in settling the apportionment regard shall be had to the following considerations (namely) :—

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- (A) The greater or less degree of benefit to be derived by any premises from such works ;
- (B) The amount and value of any work already done by the owners or occupiers of any such premises :

They may also if they think just include any premises which do not front adjoin or abut on the street or part of a street but which in their opinion will be benefited by the works and may fix the sum or proportion to be charged against any such premises accordingly.

63. The Corporation may from time to time amend the specifications plans and sections (if any) estimates and provisional apportionments for any private street works but if the total amount of the estimate in respect of any street or part of a street is increased such estimate and the provisional apportionment shall be published in manner prescribed in Part II. of the fourth schedule and shall be open to inspection at the Corporation's offices at all reasonable times and copies thereof shall be served on the owners of the premises affected thereby and objections may be made to the increase and apportionment and if made shall be dealt with and determined in like manner as objections to the original estimate and apportionment.

Amendment of plans &c.

64.—(1.) When any private street works have been completed and the actual expenses thereof ascertained the surveyor shall make a final apportionment by dividing the actual expenses and the commission aforesaid in the same proportions in which the estimated expenses were divided in the original or amended provisional apportionment as the case may be and such final apportionment shall be conclusive for all purposes and notice of such final apportionment shall be published in the manner prescribed in Part II. of the fourth schedule and the sums apportioned thereby shall be recoverable in manner provided by this Act or in the same manner as private improvement expenses are recoverable under the Public Health Act 1875 including the power to declare any such expenses to be payable by instalments.

Final apportionment and recovery of expenses.

(2.) Within one month after such notice the owner of any premises charged with any expenses under such apportionment may by a written notice to the Corporation object to such final apportionment on the following grounds or any of them—

- (A) That the actual expenses have without sufficient reason exceeded the estimated expenses by more than fifteen per cent. ;
- (B) That the final apportionment has not been made in accordance with this section ;

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(c) That there has been an unreasonable departure from the specification plans and sections ;

(d) That the interest has been increased by unreasonable delay in ascertaining the expenses or making the apportionment.

(3) Objections under this section shall be determined in the same manner as objections to the original apportionment.

Charge on premises.

65.—(1.) Any premises included in the final apportionment and all estates and interests from time to time therein shall stand and remain charged (to the like extent and effect as under section 257 of the Public Health Act 1875) with the sum finally apportioned against them or if objection has been made against the final apportionment with the sum determined to be due as from the date of the final apportionment with interest at the rate of five pounds per centum per annum and the Corporation shall for the recovery of such sum and interest have all the same powers and remedies under the Conveyancing and Law of Property Act 1881 and otherwise as if they were mortgagees having powers of sale and lease and of appointing a receiver.

(2.) The Corporation shall keep a register of charges under this Act and of the payments made in satisfaction thereof and the register shall be open to inspection to all persons at all reasonable times on payment of not exceeding one shilling in respect of each name or property searched for and the Corporation shall furnish copies of any part of such register to any person applying for the same on payment of such reasonable sum as may be fixed by the Corporation.

Recovery of expenses summarily or by action.

66. The Corporation may if they think fit from time to time (in addition and without prejudice to any other remedy) recover summarily in a court of summary jurisdiction or as a simple contract debt by action in any court of competent jurisdiction from the owner for the time being of any premises in respect of which any sum is due for expenses of private street works the whole or any portion of such sum together with interest at a rate not exceeding five pounds per centum per annum from the date of the final apportionment till payment thereof. Provided that any proceeding in a court of summary jurisdiction or county court under this section may be commenced at any time within twelve months and not afterwards of the time when the matter of such proceedings arose.

Contribution by Corporation to expenses.

67. The Corporation if they think fit may at any time resolve to contribute the whole or a portion of the expenses of any private street works and may pay the same out of the district fund or general district rate.

68. Whenever all or any private street works have been executed in a street or part of a street by the Corporation and the Corporation are of opinion that such street or part ought to become a highway repairable by the inhabitants at large they may by notice to be fixed up in such street or part declare the whole of such street or part to be a highway repairable by the inhabitants at large and thereupon such street or part as defined in the notice shall become a highway repairable by the inhabitants at large :

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Adoption of private streets.

Provided that no such street shall become a highway so repairable if within one month after such notice has been put up the owner or the majority in number or value of owners of such street by notice in writing to the Corporation object thereto and in ascertaining such majority joint owners shall be reckoned as one owner.

69. If any street is now or shall hereafter be sewered levelled paved metalled flagged kerbed channelled and made good (all such works being done to the satisfaction of the Corporation) then on the application in writing of the greater part in value of the owners of the houses and land in such street the Corporation shall within three months from the time of such application declare in writing under their common seal the same to be a public highway and thereupon the said street shall become a public highway and shall be thereafter repaired by the Corporation.

On street being paved &c. Corporation to declare same public highway.

70. The Corporation shall keep separate accounts of all moneys expended and recovered by them in the execution of the provisions of this part of this Act relating to private street works.

Separate accounts of expenses of works.

71. No railway company or canal company shall be deemed to be an owner or occupier for the purposes of this part of this Act in respect of any land of such company upon which any such street as is in this part of this Act mentioned shall wholly or partially front or abut and which shall be used by such company solely as a part of their line of railway or canal or railway or canal sidings and shall have no direct communication with such street and the expenses incurred by the Corporation under the powers of this part of this Act which but for this provision such company would be liable to pay shall be repaid to the Corporation by the other owners having frontages abutting on such street and in such proportion as shall be settled by the surveyor and in the event of such company subsequently making a communication with such street they shall notwithstanding such repayment as last aforesaid pay to the Corporation the expenses which but for the foregoing provision such company would in the first instance have been liable to pay And the Corporation shall divide among the other owners for the time being having frontages abutting on such street the amount so paid by such company to the

Railways abutting but not communicating with streets not to be chargeable with expenses under this Act.

A.D. 1888. Corporation less the costs and expenses attendant upon such division in such proportion as shall be settled by the surveyor whose decision shall be final and conclusive But this section shall not apply to any street existing at the date of the passing of this Act.

Power for limited owners to borrow for expenses.

72. All owners of buildings or lands being persons who under the Lands Clauses Consolidation Act 1845 are empowered to sell and convey or release lands may charge such buildings or lands with such sum as may be necessary to defray the whole or any part of any expenses which the owners of or any persons in respect of such buildings or lands for the time being are liable to pay under this part of this Act and the expenses of making such charge and for securing the repayment of such sum with interest may mortgage such buildings or lands to any person advancing such sum but so that the principal due on any such mortgage shall be repaid by equal yearly or half-yearly payments within thirty years.

Power to apply general district fund in executing works for private owners.

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

No incumbent of any church &c. liable to expenses for draining and paving.

74. No incumbent minister or trustee of any church chapel or place appropriated to public religious worship which is now by law exempt from rates for the relief of the poor shall be liable to any expenses under this Act of draining levelling paving flagging or channelling metalling or making good any street as the owner or occupier of such church chapel or place or of any churchyard or burial-ground attached thereto situate within any street nor shall any such expenses be deemed to be a charge on such church chapel or other place or on such churchyard or burial-ground or to subject the same to distress execution or other legal process and the Corporation shall undertake any works from the expenses of which any such incumbent minister or trustee is hereby exempted and shall defray the expenses thereof out of the general district rates.

Power to recover costs of supervision of works.

75. Whenever under any enactment or bye-law for the time being in force within the borough the Corporation either on the application of or in consequence of the default of the owners or

occupiers of any premises execute any work the cost of which is payable by such owners or occupiers the Corporation may if they see fit in addition to the actual cost of such works charge and recover in respect of plans sections measuring supervision and all other matters an amount not exceeding five per centum of the amount of the actual cost of such works. A.D. 1888.

76. The back yards of all houses to be erected after the passing of this Act shall be formed with such fall and shall for the space of at least one hundred and fifty square feet be flagged paved or asphalted with such materials as shall be satisfactory to the Corporation for the purpose of carrying off the surface-water to the drains of such houses and if any back yards of such houses erected before or after the passing of this Act shall not be formed paved flagged or asphalted so as to allow of the surface-water being carried off as aforesaid the owner or occupier shall within seven days after notice in writing to be given him by the surveyor or left at or affixed on such house proceed to form flag pave or asphalt the same so as to allow of the surface-water being carried off as aforesaid and shall complete such several works to the satisfaction of the surveyor within twenty-one days after such notice so given left or affixed and in case such owner or occupier fail to comply with the provisions of this section in any particular in which compliance may be required by the surveyor within the respective times aforesaid it shall be lawful for the Corporation to execute the requisite works without further notice and the cost of so doing shall be paid to the Corporation by such owner or occupier and recovered in a summary manner or may by order of the Corporation be declared to be private improvement expenses and be recoverable accordingly. Back yards
to be paved
&c.

77. With respect to the provisions of the Public Health Act 1875 or this part of this Act for paving streets and declaring any street within the borough to be a highway the word "paved" shall be construed so as to include a street or part of a street asphalted or paved with wood tar paving or patent stone of any kind and any notice given may specify asphalt wood tar paving or patent stone as the materials to be used in respect of any such street or part of a street and the same when specified shall be used accordingly. Paving to
include
asphalte &c.

78. A person who shall erect a new building shall not place any timber or woodwork— Timber near
flues.

- (A) In any wall or chimney breast of such building nearer than nine inches to the inside of any flue or chimney opening;
- (B) Under any chimney opening of such building within fifteen inches from the upper surface of the hearth thereof:

A.D. 1888.

A person who shall erect a new building shall not drive any wooden plug into any wall or chimney breast of such building nearer than six inches to the inside of any flue or chimney opening.

Exemption
of railway
property.

79. The provisions of this part of this Act as to buildings shall not apply to any building belonging to a railway company and used for the purposes of such railway under any Act of Parliament.

PART VII.

SANITARY.

Cowkeepers
and others to
furnish lists
of customers
in certain
cases.

80. Whenever it shall be certified to the Corporation by the medical officer of health or by any other registered medical practitioner that the spread of infectious disease is in the opinion of such medical officer of health or medical practitioner attributable to the milk supplied by any cowkeeper purveyor of milk or occupier of a dairy milk store or milkshop the Corporation may require such cowkeeper purveyor of milk or occupier to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the borough and such cowkeeper purveyor of milk or occupier shall furnish such list accordingly and the Corporation shall pay to him for every such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Medical
officer may
inspect
dairies &c.
beyond
borough in
certain cases.

81. In case the medical officer of health of the borough shall have reasonable cause to believe that any person in the borough is suffering from infectious disease attributable to milk supplied within the borough from any farmhouse dairy cowshed milkshop or place situate beyond the borough or that the consumption of milk from such farmhouse dairy cowshed milkshop or place is likely to cause infectious disease to any person residing in the borough such medical officer shall if authorised in that behalf by an order of a justice having jurisdiction where such farmhouse dairy cowshed milkshop or place is situated have power to inspect such farmhouse dairy cowshed milkshop or place and if on such inspection he shall be of opinion that infectious disease is caused or is likely to arise from consumption of the milk supplied therefrom he shall report thereon to the Corporation who may thereupon give notice to the occupier of such farmhouse dairy cowshed milkshop or place not to supply any milk therefrom within the borough until such notice has been withdrawn by the Corporation and the Corporation shall forthwith give notice of the facts to the local authority acting in execution of the Contagious

Diseases (Animals) Acts 1878 to 1886 of the district in which such farmhouse dairy cowshed milkshop or place is situate in order that such further measures may be adopted in relation thereto as may be considered proper and as may be within the province of such last-mentioned authority Any person refusing to permit the medical officer of the borough on production of such order as aforesaid to inspect any such farmhouse dairy cowshed milkshop or place or after any such notice not to supply milk as aforesaid has been given supplying any milk therefrom in contravention of such notice or selling it for consumption within the borough until such notice has been withdrawn shall be deemed guilty of an offence against this Act and shall on summary conviction be liable to a penalty not exceeding five pounds for such offence and to a daily penalty not exceeding forty shillings Provided always that proceedings for the recovery of any penalty under this enactment shall be taken before the justices of the peace having jurisdiction in the place where the said farmhouse dairy cowshed milkshop or place is situate. A.D. 1888.

82. Nothing in or done under the two preceding sections of this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts 1878 to 1886 or of any order licence or act of Her Majesty's Privy Council or the Local Government Board made granted or done or to be made granted or done thereunder or of any order regulation licence or act of a local authority made granted or done or to be made granted or done under any such order of the Privy Council or the Local Government Board or exempt the dairies milk stores or milkshops to which this Act relates or any building or thing whatsoever or any person from the provisions of any general Act relating to dairies milk or animals already passed or to be passed in this or any future session of Parliament. Saving for Acts relating to dairies animals &c. 41 & 42 Vict. c. 74 47 Vict. c. 13 47 & 48 Vict. c. 47 49 & 50 Vict. c. 32.

83. Where the Corporation are of opinion on the certificate of their medical officer of health or of any other registered medical practitioner that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to communicate any infectious disease or to retain infection would tend to prevent or to check infectious disease and that such cleansing and disinfection could more effectually be carried out by the Corporation than by the owner or occupier of such house or part thereof the Corporation without requiring such owner or occupier to carry out such cleansing and disinfection as aforesaid may if they think fit but at their own cost themselves cleanse and disinfect such house or part thereof and such articles and may for that purpose remove any such articles and shall make compensation to such owners or occupiers for all property or articles destroyed or injured by the exercise of the provisions of this section And any person who shall obstruct any duly authorised Further powers in relation to disinfection of premises.

A.D. 1888. — officer of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalty on persons ceasing to occupy houses without previous disinfection or giving notice to owner or making false answers.

84. Every person who shall cease to occupy any house room or part of a house in which any person has within six weeks previously been suffering from any infectious disease without having such house room or part of a house and all articles therein liable to retain infection disinfected to the satisfaction of a registered medical practitioner as testified by a certificate signed by him or without first giving to the owner of such house room or part of a house notice of the previous existence of such disease and every person ceasing to occupy any house room or part of a house and who on any question by the owner thereof or by any person negotiating for the hire of such house room or part of a house as to the fact of there having within six weeks previously been therein any person suffering from any infectious disease knowingly makes a false answer to any such question shall be liable to a penalty not exceeding ten pounds.

Persons engaged in washing or mangling clothes to furnish lists of owners of clothes in certain cases.

85. Whenever it shall be certified to the Corporation by the medical officer of health that it is desirable with a view to prevent the spread of infectious disease that he should be furnished with a list of the customers of any person earning a livelihood or deriving gain by the washing or mangling of clothes the Corporation may require such person to furnish to them a full and complete list of the names and addresses of the owners of clothes for whom such person washes or mangles or has washed or mangled during the previous six weeks and such person shall furnish such list accordingly and the Corporation shall pay to such person for every such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Extension of sections 116 to 119 inclusive of Public Health Act.

86. The provisions contained in sections 116 to 119 (both inclusive) of the Public Health Act 1875 shall extend and apply to all articles intended for the food of man sold or exposed for sale or deposited in any place for the purpose of sale or of preparation for sale within the borough.

Rooms over privies ash-pits &c. not to be used as dwelling sleeping or work rooms.

87. No room built before or after the passing of this Act any portion of which extends immediately over any privy cesspool midden or ashpit shall be occupied as a dwelling or sleeping or work room or place of habitual employment of any person in any manufacture trade or business during any portion of the day or

night and no person shall after the expiration of one month after the passing of this Act wilfully occupy or knowingly suffer to be occupied as a dwelling or sleeping or work room any such room.

A.D. 1888.

88. In addition to all other powers vested in the Corporation the Corporation may if the surveyor medical officer of health or inspector of nuisances shall report in writing to the Corporation that any dwelling-house is not provided with a proper sink or drain or other necessary appliances for carrying off refuse water from such dwelling-house by notice under the hand of the town clerk require the owner of such dwelling-house in the manner and within the time to be specified in such notice to provide such sink drain or other appliances.

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

89. Every pipe from any slopstone bath or lavatory in a building erected before as well as after the passing of this Act shall where practicable be carried through the external wall of such building and be constructed so as to discharge in the open air on the outside of such building over a channel leading to a gully-grating at a suitable distance and every gully-grating or other inlet to the drains shall be properly trapped. Provided always that with respect to a building erected before the passing of this Act any penalty for an offence against the provisions of this section shall not be enforced unless default has been made for twenty-eight days in complying with a notice from the Corporation or the inspector of nuisances requiring the owner of such building to comply with the provisions of this section.

Pipes from slopstone to be disconnected from sewers.

90. From and after the commencement of this Act no person shall cause or permit any new sewer to be connected with the stream or watercourse in the existing borough from Dalton Dam known as "the Mill Race" or with any sewer pipe or drain communicating either directly or indirectly with the Mill Race.

Prohibition of connection of sewers with Mill Race.

PART VIII.

LOCAL GOVERNMENT.

91. For the regulation of places for public dancing or music or other public entertainment of the like kind the following provisions shall have effect (namely):—

Places for dancing music and other entertainments to be licensed.

- (1) After the expiration of six months from the passing of this Act a house room garden or other place whether or not licensed for the sale of wine spirits beer or other fermented or distilled liquors shall not be kept or used for public dancing singing music or other public entertainment of the like kind without a licence for the purpose or purposes for which the same respectively is to be used first obtained from the justices

A.D. 1888.

acting for the borough for which licence and for the registration thereof a fee of five shillings shall be paid by the person applying therefor ;

- (2) Such justices may under the hands of a majority of them assembled at any annual licensing meeting or at any adjournment thereof or at any special session convened with fourteen days previous notice grant licences to such persons as they think fit to keep or use houses rooms gardens or places for all or any of the purposes aforesaid upon such terms and conditions and subject to such restrictions as they by the respective licences determine and every licence shall be in force for one year or for such shorter period as the justices on the grant of the licence shall determine unless the same shall have been previously revoked as hereinafter provided ;
- (3) Such justices may from time to time at any such special session aforesaid transfer any such licence to such person as they think fit ;
- (4) Each person shall in each case give fourteen days notice to the clerk of the justices and to the superintendent of police of the borough of his intention to apply for any such licence or for the transfer of any such licence ;
- (5) Any house room garden or place kept or used for any of the purposes aforesaid without such licence first obtained shall be deemed a disorderly house and the person occupying or rated as occupier of the same shall be liable to a penalty not exceeding five pounds for every day on which the same is kept or used for any of the purposes last aforesaid ;
- (6) Any house room garden or place so kept or used although so licensed as aforesaid shall not be opened for any of the said purposes except on the days and between the hours stated in the licence and the observance of the days and hours of opening and closing shall be inserted in and made a condition of every such licence ;
- (7) In case of any breach or disregard of any of the terms or conditions upon or subject to which the licence was granted the holder thereof shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds and such licence shall be liable to be revoked by the order of any two justices ;
- (8) No notice need be given under sub-section 4 of this section when the application is for a renewal of any existing licence held by the applicant for the same premises ;
- (9) The justices in any petty sessions may if and as they think fit grant to any person applying for the same a licence to keep or

use any house room garden or place for any purpose within the meaning of this section for any period less than one year which they shall specify in such licence notwithstanding that no notices shall have been given under sub-section 4 of this section. A.D. 1888.

92. The following provisions with respect to the use of traction engines in the borough shall have effect (that is to say) :— Provisions as to traction engines.

1. The Corporation may from time to time prescribe the time at which and the streets along or across which alone traction engines shall pass and the owner or the person in charge of any such engine who shall knowingly and without reasonable cause pass therewith at any time not prescribed or along or across any street not prescribed shall be liable for such offence to a penalty not exceeding ten pounds in addition to the cost of repairing any damage to such street which may arise by reason of such offence ;
2. No person using or conducting any such engine shall supply the same with water from any public fountain trough well or receptacle for water situate in any street within the borough except with the licence of the Corporation and upon such terms as to payment and otherwise as shall be stated therein ;
3. The term "traction engine " shall not for the purposes of this Act be deemed to include a steam or other locomotive engine used on a tramway.

93. If any person affixes or causes to be affixed to any house building wall board lamp post tree post gate public seat fence railing or convenience or delivers or exhibits to any inhabitant or passenger in or near to any street any bill or printed or written paper (whether enclosed in a sealed or other envelope or not) of an obscene or indecent nature or referring to any disease of a loathsome or secret kind or to any cure for any such disease he shall for every such offence be liable to a penalty not exceeding forty shillings or in the discretion of the justice before whom he is convicted to imprisonment for any term not exceeding one month with or without hard labour. Prohibition of obscene bills &c.

94. If two or more persons shall be assembled together in any street at any time of the day or night for the purpose of assaulting insulting or annoying foot passengers or in such a manner as to insult or annoy any foot passenger and if any such persons shall not comply with the direction or request of any constable to move away so as to leave the footway clear and unobstructed or shall assault insult or annoy any foot passenger he shall be liable to a penalty not exceeding forty shillings. For preventing obstruction in streets.

A.D. 1888.

Street musicians to depart when required to do so.

95. Any householder personally or by his servant or by any constable may require any street musician or singer to depart from the neighbourhood of the house of such householder and every person who shall sound or play upon any musical instrument or sing in any street near or within hearing of such house after being so required to depart shall be liable to a penalty not exceeding forty shillings.

Restriction on casual employment of children.

96.—(1) After the commencement of this Act no child under the age of thirteen years shall be employed in any casual employment within the borough between the hours of ten o'clock at night and six o'clock in the morning from the first day of April to the first day of October and between the hours of eight o'clock at night and six o'clock in the morning from the first day of October to the first day of April.

Definition of term "casual employment."

(2) Casual employment shall mean employment for purposes of gain in streets or other places in vending or exposing for sale any article whatsoever.

Penalty for employing a child in contravention of Act.

(3) Every person who takes a child into his employment in contravention of this Act shall be liable on summary conviction to a penalty not exceeding forty shillings.

Definition of employment in case of parent.

(4) A parent of a child who employs such child in any labour exercised by way of trade or for the purposes of gain or who permits such child to be engaged in any such labour on its own behalf shall be deemed for the purposes of this Act to take such child into his employment.

PART IX.

BORROWING POWERS.

Borrowing powers.

97. 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 district fund and general district rate the following sums (that is to say):—

For purposes relating to street improvements any sum or sums not exceeding one thousand five hundred pounds ;

For purposes relating to markets and slaughter-houses any sum or sums not exceeding two thousand five hundred pounds ;

For purposes relating to town hall and municipal buildings any sum or sums not exceeding three hundred pounds ;

For flagging paving road-making and other street improvements within the added area one thousand four hundred pounds ;

For paving and improving the Mill Race within the borough one thousand two hundred pounds ;

For the payment of any compensation or other sum under this Act to the county justices such sums as may be required; A.D. 1888.

For the payment of the costs charges and expenses of and incidental to the applying for obtaining and passing of this Act such sums as may be required;

All moneys borrowed under this section shall be repaid within thirty years from the commencement of this Act:

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 reborrowed relating to 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 London and North Western Railway Company as proprietors of the Lancaster Canal Navigation not converted to or used for other than canal purposes of the partial exemption from 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 Crag and also " another navigable branch from at or near Gale Moss by Chorley " to or near Duxbury in the said county palatine of Lancaster."

98. Notwithstanding any of the provisions of the Act of 1880 to the contrary no moneys authorised to be borrowed for the purposes of this Act shall be raised by the creation and issue of Lancaster Corporation Stock under the Act of 1880. Moneys not to be raised by stock.

99. The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act (that is to say):— Provisions as to mortgages.

Section two hundred and thirty-six (form of mortgage);

Section two hundred and thirty-seven (register of mortgages);

Section two hundred and thirty-eight (transfer of mortgages); and

Section two hundred and thirty-nine (receiver may be appointed in certain cases).

A.D. 1888.

How repay-
ments to be
effected.

100. The repayment of moneys borrowed under this Act shall be effected either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by sinking funds and the sinking funds shall be provided as follows:—

(1) The Corporation in every year shall appropriate and set apart out of the borough fund and rate or the district fund and general district rate as the case may require such equal sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three pounds per centum per annum be sufficient to pay off the whole of the principal moneys borrowed within the period prescribed by this Act;

(2) The first payment by instalments or to the sinking fund as the case may be shall be made on the thirty-first day of March following the time of the borrowing of such moneys;

(3) Provided as follows (that is to say):—

(A) The yearly sum so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof 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 stock of any local authority as defined by the Local Loans Act 1875 (other than the Corporation) granted or issued under any Act or sanction under which such local authority is authorised to borrow money;

(B) The Corporation may at any time apply the whole or any part of the sinking fund set apart by them in or towards the repayment of borrowed moneys in such order and manner as they deem proper;

Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as hereinbefore prescribed until the whole of the borrowed moneys to which such sinking funds are applicable are discharged a sum equal to the interest which would have been produced by the sinking fund or part thereof so applied at the rate of three pounds per centum per annum;

Provided also that whenever and so long as the yearly income arising from the sinking fund when invested at the same rate of interest as the borrowed moneys then outstanding shall be equal to the annual interest of such borrowed moneys then outstanding the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto.

101. The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under the former Acts or this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing for the year next preceding the making of such return the amounts which have been paid as instalments and the amounts which have been invested or applied for the purpose of such sinking fund and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have 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 of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any such instalment or to set apart the sum required by the former Acts or this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by the former Acts or 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 as part of the sinking fund and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice. The provisions of this section shall mutatis mutandis apply to appropriations and annual repayments.

A.D. 1888.
Annual
return to
Local
Government
Board with
respect to
sinking fund.

102. The Corporation may from time to time borrow at interest as aforesaid any money necessary for repaying any principal money borrowed under this Act and so toties quoties. Provided that the time for the repayment of any moneys so reborrowed shall not be extended beyond the unexpired portion of the term in that behalf by this Act prescribed and that for the purpose of repayment the moneys reborrowed and the moneys originally borrowed shall be deemed the same loan:

Power to
reborrow.

Provided also that the power conferred by this section shall not apply to any moneys paid off by means of instalments or of a

A.D. 1888. — sinking fund or out of the proceeds of the sale of lands or other property or out of fines or premiums on leases.

Power to
borrow under
Local Loans
Act 1875.

103. The Corporation may if they think fit 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 as amended by the Local Loans Sinking Funds Act 1885 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 by the Corporation 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 borrowing power by this Act conferred 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 All sums paid into any sinking fund under this section shall be as soon as may be invested by the Corporation in the manner in which sinking funds are by this Act authorised to be invested or applied in paying off a portion of the principal moneys owing by the Corporation.

Application
of moneys
from sale &c.
of land.

104. The Corporation shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands and premises by this Act authorised or by way of fine or premium on any lease in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Corporation Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Repeal of
borrowing
powers
under Act
of 1856.

105. Section 61 of the Act of 1856 (Power to borrow money to complete purchase) meaning the purchase by the Corporation of the undertaking of the Lancaster Gas Company is hereby repealed.

PART X.

MISCELLANEOUS.

Bye-laws.

106. The Corporation may from time to time make and enforce bye-laws for regulating or preventing bathing in the River Lune within or on the boundary of the borough from or in the neighbourhood of any public walks or footpaths on or near the banks of the said river and may by such bye-laws fix determine and

alter the limits of the places from or within which and the hours during which bathing may be permitted in the said river and prescribe the use of decent and sufficient bathing garments. A.D. 1888.

107. The bye-laws for the time being in force for regulating the use of velocipedes and made by the justices of the peace or other the county authority for the time being of the county palatine of Lancaster shall extend and apply mutatis mutandis for regulating the use of velocipedes in the borough the justices of the peace for and the police constables of the borough (if any) being respectively substituted for the justices of the peace for and for the police constables of the said county For the purposes of this section "velocipede" includes bicycle tricycle and every like mechanical contrivance. County bye-laws regulating the use of velocipedes extended to the borough.

108. All the provisions with respect to bye-laws contained in sections 182 to 185 (both inclusive) of the Public Health Act 1875 (except so much thereof as relates to bye-laws of a rural sanitary authority) and in the Act of 1880 shall apply to all bye-laws and regulations from time to time made by the Corporation under the powers of this Act. General provision as to bye-laws.

109. In case the occupier of any house or other building or part of any house or other building prevents the owner thereof from carrying into effect in respect thereof any notice given by the Corporation under this Act or under any bye-law for the time being in force then after notice of this provision given by the owner to the occupier any justice upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by such notice to be done and if after the expiration of seven days from the service of such order the occupier continues to refuse to permit the owner to execute the said works he shall for every day during which he so continues to refuse be liable to a penalty not exceeding forty shillings and during the continuance of such refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works. Penalty on occupiers refusing execution of Act.

If the occupier of any premises when requested by or on behalf of the Corporation to state the name of the owner of the premises occupied by him refuses (unless he shows cause to the satisfaction of the court for his refusal) or wilfully omits to disclose or wilfully misstates the same he shall be liable to a penalty not exceeding five pounds.

110. Every person who shall commit an offence against any of the provisions of this Act or against any bye-law prohibition or regulation made thereunder in respect of which no separate penalty is Penalties in cases not otherwise provided for.

A.D. 1888. — specially provided by this Act or such bye-law prohibition or regulation shall be liable to be dealt with in a summary manner and shall also be liable for every such offence to a penalty not exceeding forty shillings and in case of a continuing offence a daily penalty not exceeding five shillings.

Costs of
Local
Government
Board and
Home Secre-
tary.

111. All costs incurred by any of Her Majesty's Principal Secretaries of State or by the Local Government Board (including such reasonable sum not exceeding five guineas a day for the services of any arbitrator and not exceeding three guineas a day for service of any inspector as such Secretary or the Board may determine in relation to the duties imposed on such Secretary or Board under Part II. (extension of borough) of this Act) shall be paid by the Corporation.

Exemption
of Crown
buildings.

112. There shall be exempted from so much of the provisions of this Act as relates to buildings and structures every building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service.

As to appeal.

113. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate consent licence or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act or any bye-law thereunder may appeal to the next practicable court of quarter sessions under and according to the provisions of section two hundred and sixty-nine of the Public Health Act 1875 as amended by the Summary Jurisdiction Acts.

Saving of
release of
passage tolls
to the North
Western
Company.

114. Nothing in this Act shall alter prejudice or affect the deed of release dated the twentieth day of August one thousand eight hundred and seventy-nine made between the Corporation and the London and North Western Railway Company or shall entitle the Corporation to demand or claim from the London and North Western Railway Company through passage or other ancient tolls customs and duties in respect of cattle goods wares and merchandize passing through or out of the existing or extended borough by or to the railways of that company.

Costs of Act.

115. 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.

The SCHEDULES referred to in the foregoing Act.

A.D. 1888.

THE FIRST SCHEDULE.

(A) So much of the township of Skerton as lies between the boundary of the existing borough and a line drawn as follows viz. Commencing at a point on that boundary in the middle of the River Lune on the east side of the London and North Western Railway bridge over that river proceeding thence in a northerly direction along the east side of such bridge to and across Butts Lane (otherwise Heysham Road) then in an easterly direction along the north side of that road to the west side of the old turnpike road leading from Garstang to Heiring Syke (otherwise Slyne Road) thence in a northerly direction along the west side of that road to a point one hundred and fifty feet north of the north side of Pinfold Lane then in a north-easterly direction along the northerly side of Aldren's Lane to Main Street then across Main Street continuing in an easterly direction across Skerton Mill Race until it joins the boundary between the townships of Skerton and Bulk at a point three hundred and fifty feet south of the Skerton Mill Weir and thence in a southerly direction along such boundary until it joins the boundary of the existing borough opposite the north end of Ladies' Walk.

(B) So much of the township of Scotforth as lies between the boundary of the existing borough and a line drawn as follows viz. Commencing at a point on the boundary of the existing borough on the south-west side of the Military Brigade Depôt at the north-east end of the road from such depôt to Bowerham Lane proceeding along the south-east side of such lane to Bowerham Lane then in a southerly direction along the east side of that lane to a point opposite the south side of Quarry Lane along the southerly side of that lane to and across the old turnpike road leading from Garstang to Heiring Syke (otherwise Preston Road) then in a northerly direction along the west side of such road to the south fence of a field belonging to the Greaves Farm and situate between the old turnpike road aforesaid and Dog Kennel Lane thence along the north side of the fence to Dog Kennel Lane then along the south side of such lane to the east side of the main line of the London and North Western Railway and along the east side of such line to the boundary of the existing borough.

THE SECOND SCHEDULE.

Certain lands houses and buildings bounded on all sides by lands belonging or reputed to belong to the Corporation and used for the manufacture of gas all which lands now being described contain about half an acre or thereabouts and are situate in the township and parish of Lancaster and belong or are reputed to belong to the Vicar of Lancaster.

A.D. 1888.

THE THIRD SCHEDULE.

TABLE OF CATTLE MARKET TOLLS.

For every bull bullock cow steer or heifer	-	-	-	-	3d.
For every calf	-	-	-	-	1d.
For every sheep ram lamb or goat	-	-	-	-	$\frac{1}{2}$ d.
For every pig	-	-	-	-	1d.
For every horse	-	-	-	-	3d.

THE FOURTH SCHEDULE.

PRIVATE STREET WORKS.

PART I.

PARTICULARS to be stated in Specifications Plans and Sections
Estimates and Provisional Apportionments.

Specifications.—These shall describe generally the works and things to be done and in the case of structural works shall specify as far as may be the foundation form material and dimensions thereof.

Plans and Sections.—These shall show the constructive character of the works and the connections (if any) with existing streets sewers or other works and the lines and levels of the works subject to such limits of deviation (if any) as shall be indicated on the plans and sections respectively.

Estimates.—These shall show the particulars of the probable cost of the whole works including the commission provided for by this Act.

Provisional Apportionments.—These shall state the amounts charged on the respective premises and the names of the respective owners or reputed owners and shall also state whether the apportionment is made according to the frontage of the respective premises or not and the measurements of the frontages and the other considerations (if any) on which the apportionment is based.

PART II.

Any resolution notice or other document required by this Act to be published in the manner prescribed by this schedule shall be published once in each of two successive weeks in some local newspaper circulating within the borough and shall be publicly posted in or near the street to which it relates once at least in each of three successive weeks.

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