



### CHAPTER xci.

An Act to enable the Mayor Aldermen and Burgesses of the Borough of Preston to borrow additional moneys for the purposes of the Ribble Navigation and Preston Dock Undertaking. A.D. 1892.  
[20th June 1892.]

**W**HEREAS by the Local and Personal Act 1 Vict. cap. viii. the Ribble Navigation Company were incorporated for the purpose of improving the River Ribble and the navigation thereof: 1 Vict. c. viii.

And whereas by the Ribble Navigation Act 1853 (in this Act called "the Act of 1853") the before-recited Act was repealed and the said Company were re-incorporated and (among other things) authorised to make certain guide or training walls and to dredge deepen cut straighten and improve the said River Ribble between the North Union Railway Bridge and the sea: 16 & 17 Vict. c. clxxvi.

And whereas by the Ribble Navigation and Preston Dock Act 1883 (in this Act called "the Act of 1883") the mayor aldermen and burgesses of the borough of Preston (in this Act called "the Corporation") were authorised to acquire the undertaking of the Ribble Navigation Company (in this Act referred to as "the Ribble undertaking") and to raise the existing training walls of the River Ribble and to continue them seaward and to divert the portion of that river which lies between the boundary between the townships of Howick and Penwortham in the parish of Penwortham and the south end of the Victoria Quay in the said borough and also to construct a wet dock about thirty acres in extent with entrance lock graving docks and various other adjunct works and so much of the River Ribble and any diversion thereof under the powers of that Act as lay between the North Union Railway Bridge across the said river and the sea together with the said dock and works were constituted the port and harbour of Preston and the Corporation were constituted the port and harbour authority thereof and were authorised to demand and take certain tolls and rates on vessels using the 46 & 47 Vict. c. cxv.

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said harbour and dock respectively and certain wharfage rates for the use of the dock or quays of the Corporation :

And whereas the Corporation acquired the said undertaking and constructed the said diversion of the said river but in an altered position and opened the same for public use :

And whereas the Corporation also proceeded in the construction of the said dock and certain of the adjunct works but enlarged in area and altered in position and design :

51 & 52 Vict.  
c. clxxiii.

And whereas by the Ribble Navigation &c. Act 1888 (in this Act called "the Act of 1888") the said diversion so constructed and the said dock and adjunct works so enlarged and altered were sanctioned and confirmed and were for all purposes substituted for the diversion and dock respectively authorised by the Act of 1883 :

52 & 53 Vict.  
c. lxxxiii.

And whereas by the Ribble Navigation Act 1889 (in this Act called "the Act of 1889") it was provided—

That the Corporation should forthwith apply to the Board of Trade to appoint a Commission (in that Act and in this Act referred to as "the Commission") to inquire into and report to the said Board (among other things) in the manner and to the extent following (that is to say) :—

1. As to the practicability and probable cost of providing a navigable waterway between Preston and the open sea either in accordance with the plans authorised by the Ribble Navigation Acts or any of them or in accordance with any other plans which the Commission might think fit to suggest ;
2. As to maintaining and completing the existing training walls ;
3. As to the dredging ;
4. As to the course to be followed with regard to the dock and the equipment thereof ; and
5. As to what under the circumstances then existing should be done in reference to the matters aforesaid and likewise to report to the Board of Trade as to the authority to which the control over the works authorised by the Ribble Navigation Acts for the purposes of the waterway and docks should for the future be entrusted ;

That the Commission should hold the said inquiry as soon as practicable after their appointment at such time or times and place or places as they should determine ;

That the Commission should if possible complete their inquiry and make their report in writing to the Board of Trade on the several matters into which they were so directed to inquire as

aforesaid not later than the fifteenth day of September one thousand eight hundred and eighty-nine; and A.D. 1892.

That the Commission should have power to make one or more interim reports if they should think fit;

And the Board of Trade were by that Act empowered to appoint the Commission:

And whereas by the Act of 1889 the Corporation were authorised to borrow for certain purposes of the Act of 1853 the Act of 1883 and the Act of 1888 a further sum of money:

And whereas forthwith after the passing of the Act of 1889 the Board of Trade on the application of the Corporation appointed a Commission to inquire and report in the manner and to the extent described in the Act of 1889:

And whereas the Commission held various inquiries and made an interim report dated the fifth day of October one thousand eight hundred and eighty-nine and recommended among other things that the Corporation be authorised to provide the sum of two hundred and twenty thousand pounds whereof the sum of eighteen thousand pounds might be expended in a provisional equipment of the dock but that no further expenditure on that head should be made until a much greater depth of water should have been obtained at Lytham:

And whereas by the Act of 1883 the Corporation were authorised to exercise their statutory borrowing powers for the time being by means of the creation and issue of Corporation stock:

And whereas by the Ribble Navigation Act 1890 (in this Act called "the Act of 1890") in order to give effect to the said interim report of the Commission the Corporation were authorised to borrow the sum of eighty thousand pounds for dredging and the sum of one hundred and forty thousand pounds for the purpose of completing the works then contracted for and for provisionally equipping the new dock: 53 Vict.  
c. xlii.

And whereas the Commission made its final report dated the seventh day of August one thousand eight hundred and ninety-one and thereby advised that a further sum of six thousand five hundred pounds saved on other works and forming part of the said sum of one hundred and forty thousand pounds should be expended in further equipment of the dock and the Corporation have acted on that advice:

And whereas it appears from the said final report that much of the said additional depth of water had been obtained at Lytham and that further obstruction would be removed by the end of the year one thousand eight hundred and ninety-one and that in order

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to attract trade proper facilities must be provided at the new dock and that there is reason to hope that with equal facilities and proportional rates in freight and railway carriage with competing ports a considerable quantity of coal from the Wigan coal field might be shipped at Preston :

And whereas the Corporation have arranged port and railway rates which compare satisfactorily with those of competing ports and it is expedient that the Corporation be authorised to provide the requisite facilities for the user of the new dock :

And whereas estimates were produced by the Corporation to the Commission showing an additional expenditure for equipment of the new dock amounting to the sum of sixty-one thousand pounds and it is expedient that the Corporation be authorised to borrow the said sum :

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

And whereas an absolute majority of the whole number of the council at a meeting held on the twenty-fifth day of February one thousand eight hundred and ninety-two after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Preston Herald a newspaper published and circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the harbour revenue and on the borough fund and borough rate of the borough :

And whereas such resolution was published twice in the Preston Chronicle a newspaper published and circulating in the borough and has received the approval of one of Her Majesty's Principal Secretaries of State :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the thirty-first day of March one thousand eight hundred and ninety-two being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

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:— A.D. 1892.

1. This Act may be cited as the Ribble Navigation Act 1892 and this Act and the Act of 1853 the Act of 1883 the Act of 1888 the Act of 1889 and the Act of 1890 may be cited together as the Ribble Navigation Acts 1853 to 1892. Short title.

2. The provisions of the Commissioners Clauses Act 1847 with respect to the mortgages to be executed by the Commissioners (except sections 80 and 84) so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are incorporated with and form part of this Act. Incorporation of Act.

3. In this Act unless the subject or context otherwise requires— Interpretation.

“The borough” means the municipal borough of Preston;

“The Corporation” means the mayor aldermen and burgesses of the borough whether acting under the provisions of the Municipal Corporations Acts or in the execution of the Acts relating to the port and harbour of Preston;

“The council” means the council of the borough;

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

“Harbour revenue” means and includes all moneys (other than borrowed moneys and other moneys in the nature of capital) payable to the Corporation by virtue of the North Union and Ribble Navigation Branch Railway Act 1845 the Act of 1853 the Act of 1883 or the Act of 1888;

“The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and any Act from time to time amending the same;

“The Ribble Navigation Acts” means and includes the Act of 1853 the Act of 1883 the Act of 1888 the Act of 1889 the Act of 1890 and this Act:

For the purposes of this Act in the provisions of the Commissioners Clauses Act 1847 incorporated with this Act—

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

4. Subject to the provisions of this Act this Act shall be carried into execution by the council with all the rights powers duties privileges exemptions and authorities of the Corporation. Execution of Act by Corporation.

5. The Corporation may from time to time in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of any other Act borrow Power to borrow.

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at interest on the security of the harbour revenue the borough fund and borough rate and for the following purposes the following sums (that is to say):—

For the purpose of paying the costs of this Act as hereinafter defined the sums requisite for that purpose;

For the purpose of equipping the new dock the sum of sixty-one thousand pounds;

For the payment of interest at a rate not exceeding four pounds per centum per annum on moneys borrowed under the powers of this Act for the purposes of the Ribble Navigation Acts until the expiration of three years from the passing of this Act such further sums as shall be requisite for that purpose:

And in calculating the sum the Corporation may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Corporation as to borrowing and re-borrowing shall not be restricted by any of the provisions of the Municipal Corporations Acts or of the Public Health Act 1875 or of the Local Government Act 1888.

Certain provisions of Act of 1890 incorporated.

6. The following sections of the Act of 1890 (that is to say):—

Section 15 (power to re-borrow);

Section 16 (sinking funds may be adjusted in certain events);

Section 17 (application of moneys borrowed);

Section 18 (certain provisions of Act of 1883 incorporated);

shall so far as they are applicable extend and apply mutatis mutandis to and in relation to the money borrowed under and the expenses of executing this Act.

For appointment of a receiver.

7. Section 19 (for appointment of a receiver) of the Act of 1890 is hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act and in lieu thereof the mortgagees of the Corporation under the Act of 1883 or the Act of 1888 or the Act of 1889 or the Act of 1890 or this Act may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall be not less than one thousand pounds in the whole.

Composition for stamp duty.

8. Subject to the provisions of the Stamp Act 1891 the Corporation may agree with the Commissioners of Inland Revenue for payment to them of composition for the stamp duty on transfers of stock issued under the powers of this Act.

**9.** Before applying the harbour revenue in making any repayment to the borough fund or any payment to the reserve fund as permitted by section 125 (application of harbour revenue) of the Act of 1883 the Corporation shall pay the interest on moneys borrowed by them under and provide the requisite instalments and sinking fund prescribed by the Act of 1888 and the Act of 1889 and the Act of 1890 and this Act and the said section 125 shall be read and construed accordingly.

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As to application of harbour revenue.

**10.** All the costs charges and expenses preliminary to and of and incident to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords shall be paid by the Corporation out of the harbour revenue borough fund and borough rate or out of money to be borrowed for the purpose under the powers of this Act.

Costs of Act.

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