



CHAPTER ccxvii.

An Act for authorising the Fleetwood Improvement Commissioners to establish maintain work and regulate a Ferry across the River Wyre between Fleetwood and Knot End and for making further and better provision for the Improvement Health and good Government of the Urban Sanitary District of Fleetwood and for other purposes. A.D. 1893.

[24th August 1893.]

WHEREAS the Fleetwood Improvement Commissioners are the Urban Sanitary Authority for the Urban Sanitary District of Fleetwood in the county of Lancaster and have divers powers under the following Acts and provisional orders which except so far as the same have been amended or repealed are in force within the district (that is to say) :—

A Local Act of Parliament passed in the second session of the fifth year of the reign of Her present Majesty Queen Victoria intituled “An Act for paving lighting watching cleansing and
“ otherwise improving the town of Fleetwood and the neigh-
“ bourhood thereof in the county palatine of Lancaster and for
“ establishing a market therein ”;

A Provisional Order of one of Her Majesty’s Principal Secretaries of State made under the authority of the Local Government Act 1858 dated the thirty-first day of March one thousand eight hundred and sixty-nine and confirmed by the Local Government Supplemental Act 1869 ;

A Provisional Order made by the Local Government Board under the Public Health Act 1875 dated the twenty-second day of May one thousand eight hundred and eighty-two and confirmed by the Local Government Board’s Provisional Orders Confirmation (No. 9) Act 1882 :

And whereas the establishment of a ferry across the River Wyre between Fleetwood and Knot End would facilitate the means of communication between the town and district of Fleetwood and a

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considerable portion of the county of Lancaster and would be of local and public advantage and it is expedient that the Commissioners be authorised to establish maintain work and regulate the said ferry and in connection therewith and for the purposes thereof to construct the works by this Act authorised and to exercise the powers herein-after contained and to raise and apply moneys as by this Act provided :

And whereas it is expedient to confirm the indenture of agreement set forth in the third schedule to this Act and a copy of the map or plan annexed thereto signed by the Right Honourable the Earl of Morley Chairman of Committees of the House of Lords has been deposited in the Office of the Clerk of the Parliaments :

And whereas the Commissioners have adopted the Infectious Diseases Prevention Act 1890 and Parts II. III. IV. and V. of the Public Health Act Amendment Act 1890 :

And whereas it is expedient that the powers of the Commissioners be amended and extended and further and better provision made with reference to buildings streets and sanitary matters and for the improvement health and good government of the district as by this Act provided :

And whereas estimates have been prepared by the Commissioners for the purchase of land and for the execution of the works by this Act authorised and such estimates amount to the sum of one thousand three hundred pounds :

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

And whereas the Commissioners are or claim to be the owners of the markets and of slaughter-houses at Fleetwood and it is expedient that such provisions as are in this Act contained in relation to the tolls stallages and rents to be levied for or in respect thereof and for weighing and measuring articles sold in the markets and for weighing waggons and carts and otherwise be made :

And whereas it is expedient that such further provisions as are herein-after contained be made with respect to the Commissioners and the district :

And whereas an absolute majority of the whole number of the Commissioners at a meeting held on the ninth day of December one thousand eight hundred and ninety-two after ten clear days notice by public advertisement of the meeting and of the purpose thereof in the Blackpool and Fleetwood Gazette the Fleetwood Chronicle and the Fleetwood Express local newspapers published or circulating in the district such notice being in addition to the ordinary notice required for summoning the meeting resolved that the expenses in

relation to the promotion of the Bill for this Act should be charged on the general improvement rate or paid out of moneys borrowed under this Act:

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And whereas that resolution was published twice in the said Blackpool and Fleetwood Gazette the Fleetwood Chronicle and the Fleetwood Express and has received the approval of a Secretary of State and of the Local Government Board:

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

And whereas the owners and ratepayers of the district by resolution in the manner provided in the third schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

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

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

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

PART I.—PRELIMINARY.

PART I.

Preliminary.

1. This Act may be cited for all purposes as the Fleetwood Improvement Act 1893.

Short title.

2. This Act is divided into parts as follows:—

Act divided into parts.

Part I. Preliminary.

Part II. Ferry.

Part III. Provisions as to buildings streets and sanitary matters.

Part IV. Foreshore and sands.

Part V. Licensing.

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PART I.

Preliminary.

Part VI. Street traffic.

Part VII. Police.

Part VIII. Markets.

Part IX. Finance rates borrowing.

Part X. Miscellaneous.

Incorporation of general Acts.

3. The following Acts and parts of Act so far as the same are applicable to the purposes of and are not varied by or are not inconsistent with this Act are incorporated with and form part of this Act :—

The Lands Clauses Acts and sections 16 17 28 and 83 to 90 of the Harbours, Docks and Piers Clauses Act 1847 Provided that sections 16 and 17 of the last-mentioned enactment shall only be in force if and when the Board of Trade require.

Interpretation of terms.

4. In construing this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction (that is to say) :—

“ The district ” means the urban sanitary district of Fleetwood in the county of Lancaster ;

“ The Commissioners ” means the Fleetwood Improvement Commissioners the urban sanitary authority for the district ;

“ The ferry works ” means the landing place or road and works in connection with the ferry by this Act authorised ;

“ The clerk ” “ the surveyor ” “ the medical officer of health ” “ the inspector of nuisances ” mean respectively the clerk to the Commissioners the surveyor to the Commissioners the medical officer of health and any inspector of nuisances for the district and “ office ” in relation to any of the said officers means the office of such officer at the Town Hall or at such other place in the district as the Commissioners may from time to time appoint ;

“ The two companies ” means the Lancashire and Yorkshire Railway Company and the London and North Western Railway Company as joint proprietors of the Preston and Wyre Railway Harbour and Dock Undertaking and Conservators of the Harbour of Wyre at Fleetwood ;

“ The Act of 1842 ” means the recited Act of the fifth year of the reign of Her present Majesty ;

“ The general improvement rate ” means the rates or assessments leviable by the Commissioners under the Act of 1842 ;

“ Dwelling-house ” means any building used or intended constructed or adapted to be used wholly or partly for human habitation by day or by night ;

“Structure” includes any building wall bridge fence railing balcony hoarding scaffold platform stack of bricks or of timber pier pillar post door gate or other such erection contruction or thing;

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“Ground floor” used with reference to any building means that floor thereof the upper surface of which is nearest to the level of the street or ground adjoining the principal or only entrance to such building ;

“Infectious disease” means and includes the diseases enumerated in section 6 of the Infectious Diseases (Notification) Act 1889 and such other diseases as shall from time to time be declared infectious in pursuance of that Act;

“Daily penalty” means a penalty for each day on which the offence is continued after conviction :

The several words and expressions to which meanings are assigned in enactments incorporated with this Act or in the Public Health Acts or which have therein special meanings have in this Act (except where otherwise expressly provided) the same respective meanings unless there be something in the subject or context repugnant to such construction Provided that in this Act and (for the purposes of this Act) in enactments incorporated with this Act—

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

5. This Act shall be executed by the Commissioners with the powers duties and indemnities and according to the provisions of the Public Health Acts and those Acts shall in relation to the Commissioners and the several objects and purposes of this Act be read and construed as if the purposes and provisions of this Act were purposes and provisions of the Public Health Acts so far as the same shall be applicable thereto and except so far as any of the provisions of the last-mentioned Acts are expressly varied or otherwise provided for by this Act.

Execution of Act.

6. This Act except where otherwise expressed or implied shall apply exclusively to the district.

Limits of Act.

PART II.—FERRY.

PART II.

7. Subject to the provisions of this Act the Commissioners may for the purposes of their ferry undertaking enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited books of reference :

—
Ferry.
Power to take lands.

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Provided always that the Commissioners shall not under the powers contained in this Part of this Act acquire any part of the foreshore or lands or any easement or right of user in or over the to the same below high-water mark of ordinary spring tides belonging two companies without the consent in writing of those companies.

Correction of errors in deposited plans and books of reference.

8. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference the Commissioners 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 misstatement 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 misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Lancaster and such certificate shall be kept by such clerk of the peace with the other documents to which the same relates 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 Commissioners to take the lands and execute the works in accordance with such certificate.

Power to establish ferry across the Wyre.

9. Subject to the provisions of this Act the Commissioners may establish maintain work and regulate a ferry across the River Wyre between Fleetwood and Knot End and may make and maintain in the lines according to the levels and within the limits of deviation shown on the deposited plans and sections and provide and maintain for the purpose of the said ferry the works following:—

On the eastern or Knot End side of the river in the township of Preesall-with-Hackinsall in the parish of Lancaster in the county of Lancaster—

A landing place or road commencing in the road leading from the Bourne Arms Hotel to the breakwater and foreshore at Knot End at a point ninety-three yards or thereabouts measured along the said road in a north-westerly direction from the said Bourne Arms Hotel and proceeding in a westerly direction for a distance of three hundred and fifty-three yards or thereabouts to and terminating at a point in the River Wyre eighty-six yards or thereabouts measured in a south-westerly direction from the perch on the end of the said breakwater:

And the Commissioners may also make provide and maintain all proper necessary and convenient approaches landing stages waiting

rooms toll houses gates turnstiles dolphins bridges slipways hoists cranes machinery apparatus works and other conveniences for the purposes of and in connexion with the said ferry :

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Provided always that nothing herein contained shall authorise the Commissioners to make provide or maintain any such works or conveniences otherwise than on the said breakwater or that portion thereof in respect of which they may acquire an easement or right of user except with the consent in writing of the two companies and on and subject to such terms and conditions as they shall prescribe.

10. In constructing the ferry works the Commissioners may with the approval of and in such manner as is expressly authorised by the Board of Trade and the two companies but not otherwise deviate laterally from the lines thereof shown on the deposited plans to any extent not exceeding the limits of lateral deviation shown on the said plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet either upwards or downwards.

Deviation.

11. The Commissioners shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of Trinity House of Deptford Strond shall from time to time direct.

Commissioners to exhibit lights.

If the Commissioners fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

12. The Commissioners shall on or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve.

Lights on works.

If the Commissioners fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

13. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Commissioners on in over through or across tidal lands or tidal water or of the intended site of any such work the Commissioners shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Commissioners to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Commissioners.

Survey of works by Board of Trade.

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Abatement
of work
abandoned
or decayed.

Powers to
the Com-
missioners
to make
subsidiary
works.

Plans to be
submitted
to the two
companies.

14. If a work constructed by the Commissioners under the powers of this Act on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Commissioners and the amount of such expense shall be a debt due from the Commissioners to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Commissioners.

15.—(1.) Subject to the provisions of this Act the Commissioners may for the purposes of the ferry works make such dams and drive such piles in the bed of the said River Wyre and may erect such coffer dams and temporary staging in upon or over the said river at or near the site of such works as may be necessary or convenient and may do and execute every other work and thing necessary or convenient for any of the purposes aforesaid.

(2.) The traffic of the River Wyre shall not be interfered with more than may be absolutely necessary in the construction of the ferry works and the works connected therewith.

16.—(1.) Two months at least before commencing any of the works (whether of a subsidiary temporary or permanent character) authorised by this Part of this Act the Commissioners shall deposit the plans sections elevations and working drawings of the same at the principal office of the Lancashire and Yorkshire Railway Company for the reasonable approval by the two companies but the power of the Board of Trade to deal as they think fit with the working drawings is not to be thereby altered or abridged and any alteration or extension of such plans sections elevations and working drawings not made with the approval or by the direction of the Board of Trade shall also be submitted for the reasonable approval of the two companies in like manner.

(2.) If the two companies fail to signify their approval or disapproval of any such plans sections elevations and working drawings within six weeks after the same shall have been submitted to them they shall be deemed to have approved thereof Any difference thereon between the two companies and the Commissioners shall be determined by arbitration under the Arbitration Act 1889.

(3.) If any work be commenced constructed altered or extended otherwise than in accordance with the plans sections elevations or working drawings or any alteration or extension of the same approved by the Board of Trade the two companies may with the consent of the Board of Trade at the expense of the Commissioners

abate and remove such work or any part thereof and restore the site thereof to its former condition.

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17. The Commissioners may acquire by compulsion or agreement an easement or right of user in or over the said breakwater at Knot End and the road leading therefrom by the Bourne Arms Hotel to the public road for the purposes of the ferry works and of embarking and disembarking passengers and animals and for the loading and unloading of vehicles goods and other traffic in and by the vessels and boats of the Commissioners used for the purposes of the ferry and for the passage on and along such breakwater and road of passengers animals vehicles and other traffic to and from such vessels and boats and may enter into and carry into effect agreements with the owners of or other persons interested in the said breakwater and road with reference thereto and also with reference to the maintenance of the said breakwater and road respectively :

Power to acquire easement over breakwater and road at Knot End.

Provided always that nothing in this Act contained shall authorise the Commissioners to acquire otherwise than by agreement any right or interest of the two companies in the said breakwater.

18. The powers of the Commissioners for the compulsory purchase of lands easements or rights for the purposes of this Act shall cease after the expiration of three years after the passing of this Act.

Period for compulsory purchase of lands.

19. In addition to the lands which the Commissioners are by this Act authorised to purchase compulsorily they may for any purposes in connexion with their ferry undertaking from time to time by agreement purchase in fee any additional quantity of land not exceeding in the whole three acres or any easement or right (not being an easement or right of water) in or over such additional lands which they may from time to time think requisite for any of the purposes of their ferry undertaking but the Commissioners shall not create or permit any nuisance on any such lands and no buildings shall be erected on such lands except buildings required for the purposes of the ferry undertaking.

Power to acquire additional lands by agreement for ferry purposes.

20. The Commissioners shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district 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.

Restriction on taking houses of labouring class.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for

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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 families of any of such persons who may be residing with them.

Period for completion of works.

21. If the ferry works authorised by this Act and shown on the deposited plans are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Commissioners for executing the same or in relation thereto shall cease except as to so much thereof as is then completed but nothing herein shall restrict the Commissioners from extending enlarging altering or renewing any of their landing stages works and conveniences from time to time as occasion requires for the maintenance and working of the ferry.

Power to take easements &c. by agreement.

22. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Commissioners any easement right privilege or authority (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights privileges and authorities as aforesaid respectively.

Commissioners may provide and work ferry boats &c.

23. For the purpose of maintaining and working the said ferry the Commissioners may from time to time provide all necessary things including vessels and boats propelled by steam or otherwise with all proper and sufficient tackle gear apparatus and conveniences connected therewith and the Commissioners may from time to time appoint remove and remunerate such officers and servants as may in their opinion be required for such purposes and may convey passengers animals vehicles and goods on payment of the tolls rates or charges by this Act authorised across the River Wyre by means of such vessels or boats.

Commissioners may permit vessels to use ferry works on terms.

24. The Commissioners may if they think fit from time to time but so as not to interfere with the use of the ferry by this Act authorised or the vessels or boats used for the purposes thereof permit any landing place or other work or convenience constructed or provided by the Commissioners as part of or in connection with the ferry works to be used by vessels or boats (other than vessels or boats used for the purposes of the ferry by this Act authorised) and for the landing and embarking of passengers animals vehicles and goods from or on vessels or boats (other than vessels or boats used

for the purposes of the said ferry) upon such reasonable terms and subject to such reasonable conditions as the Commissioners may from time to time prescribe and the Commissioners may from time to time revoke any such permission :

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Provided that such permission shall be at all times granted equally to all persons in respect of all vessels falling within the same class or description or carrying the same description of cargo and in the like circumstances.

25. The Commissioners may from time to time appoint a sufficient number of persons to preserve order on or at any landing places or other work constructed by the Commissioners as part of or in connexion with the ferry works and the approaches thereto and to prevent the intrusion thereon of improper persons or persons who have no intention of embarking on board any vessel or boat from such landing places or other works and to remove any persons who may unnecessarily linger or loiter on or about such landing places or other work and to assist any vessel or boat in making fast to such landing places or works.

Persons may be appointed to preserve order &c. at ferry works.

26. The Commissioners from time to time may demand and receive for the use of any ferry belonging to the Commissioners and for the conveyance of passengers animals vehicles and goods in any vessels or boats belonging to or provided by the Commissioners any tolls (in this Act called ferry tolls) not exceeding the sums mentioned in the first schedule to this Act annexed.

Ferry tolls.

27. The ferry tolls shall be at all times charged equally to all persons and after the same rate in respect of all passengers animals vehicles and goods of a like description conveyed in the same class of vessels or boats and under the like circumstances and no reduction or advance in any such tolls shall be made either directly or indirectly in favour of or against any particular company or person using the ferry.

Ferry tolls to be charged equally.

28. The Commissioners shall not at any time demand or take a greater ferry toll than the amounts specified in the first schedule to this Act and upon payment of the tolls from time to time demandable all persons shall be entitled to use the ferry subject nevertheless to the regulations to be from time to time made by the Commissioners by virtue of the powers in that behalf conferred upon them by this Act.

Ferry to be free on payment of tolls.

29. The ferry tolls shall be paid to such persons and at such places upon or near to the ferry and in such manner and under such regulations as the Commissioners shall by notice to be annexed to the account or list of tolls appoint and if on demand any person fail to pay the tolls due in respect of any goods it shall be lawful for the

Taking and recovery of tolls.

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collector to detain and sell all or any part of such goods and out of the moneys thence arising to retain the toll payable in respect of such goods and all charges and expenses of such detention and sale and such collector shall upon demand render the overplus if any of the moneys arising by such sale and such of the goods as shall remain unsold to the person entitled thereto and if such goods happen to be removed before the tolls payable in respect of the same be paid then the Commissioners may recover such tolls in a summary manner or by action in any court of competent jurisdiction.

Disputes
as to the
amount
of tolls
chargeable.

30. If any dispute arise concerning the amount of the ferry tolls due to the Commissioners or concerning the charges occasioned by any distress levied with reference thereto the collector or person distraining may detain the goods distrained or (if the case so require) the proceeds of the sale thereof until the amount of the tolls due or until such tolls and the amount of the costs of such distress have been ascertained by a court of summary jurisdiction.

Differences
as to
weights.

31. If any difference arise between any toll collector or other officer or servant of the Commissioners and any owner of or person having the charge of any articles liable to ferry tolls respecting the weight quantity or nature of such articles such collector or other officer may lawfully detain and examine gauge or otherwise measure all such articles conveyed thereby and if upon such measuring such articles appear to be of greater weight or quantity or of other nature than shall have been stated in the account given thereof then the person who shall have given such account or the respective owners of such articles as the case may be shall pay the costs of such measuring but if such articles appear to be of the same or less weight or quantity than shall have been stated in such account then the Commissioners shall pay such costs and they shall also pay to such owner of or person having charge of such articles such damage (if any) as shall appear to a court of summary jurisdiction to have arisen from such detention.

Commis-
sioners to pro-
vide weighing
machines
weights &c.

32. The Commissioners shall provide and maintain at or near the ferry weighing machines and weights and scales for weighing and measuring goods or articles liable to the ferry tolls.

Penalty on
passengers
practising
frauds on
the Com-
missioners.

33. If any person shall knowingly and wilfully and with intent to defraud refuse or neglect to pay his ferry toll when the same shall be payable by virtue of this Act every such person shall for every such offence forfeit a sum not exceeding forty shillings.

List of tolls
to be
printed and
exhibited.

34. A list of all the ferry tolls from time to time appointed by the Commissioners to be taken shall be published by the same being printed and exhibited in some conspicuous place on the toll gates or

toll houses or places where such tolls shall be payable and also on some conspicuous part of the vessels or boats plying at the ferry.

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35. No ferry tolls shall be demanded or taken by the Commissioners for the use of the ferry during any time at which the list of tolls herein-before directed to be exhibited in respect of the ferry shall not be so exhibited and if any person wilfully pull down deface or destroy any such list of tolls he shall forfeit a sum not exceeding five pounds for every such offence.

Tolls to be taken only while list exhibited.

36. Every toll collector who shall commit any of the following offences shall forfeit a sum not exceeding ten pounds for each such offence (that is to say) :—

Penalties on toll collectors.

(a) If he refuse to tell his christian name and surname to any person demanding the same who shall have paid or tendered the tolls demanded of him or if he give a false name to any such person ;

(b) If he demand or take a greater or less toll from any person than he shall be authorised to do by virtue of this Act and of the orders of the Commissioners made in pursuance thereof ;

(c) If upon the legal toll being paid or tendered he do unnecessarily detain or wilfully hinder any goods or any person from passing by the ferry ;

(d) If he make use of any scurrilous or abusive language to any person lawfully using the ferry.

37. If at any time it be made to appear to any court of summary jurisdiction that any such detention and measuring of any goods as herein-before mentioned was without reasonable ground or that it was vexatious on the part of such collector or other officer the court may order such collector or other officer to pay the costs of such detention and measuring and the damage occasioned thereby.

Toll collector to be liable for wrong detention of goods.

38. The Commissioners may demand and take the ferry tolls on either side of the River Wyre at such times either before using the ferry or entering the vessel or boat or during the user of the ferry or the conveyance on the vessel or boat or immediately thereafter as the Commissioners from time to time direct Provided that only one toll shall be payable in respect of one transit.

Time and place for payment of ferry tolls.

39. If any person wilfully and with intent to defraud travel or attempt to travel in any vessel or boat provided by the Commissioners in connexion with their ferry without having previously paid the ferry toll which shall have been demanded from him and be

Penalty on persons using boats without paying toll.

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Persons may be prevented from using ferry on refusal to pay toll.

payable by him under this Act every such person shall for every such offence forfeit a sum not exceeding forty shillings.

40. If the ferry toll payable by any person desirous of using the ferry or of being conveyed on any vessel or boat provided by the Commissioners be demanded from him before using the ferry or entering the vessel or boat and such person shall after demand from him of the ferry toll payable for such user or conveyance (such demand being made by any collector or other person appointed to receive the same toll) knowingly and wilfully refuse or neglect to pay the same or any part thereof the collector or other person so appointed may refuse to permit the person so in default to use the ferry or enter the vessel or boat in respect of which the toll ought to be or to have been paid and may by himself or with such assistance as he shall think necessary stop and prevent the person so in default from using the ferry or entering the vessel or boat.

Power to provide goods accommodation in connexion with ferry.

41. In connexion with their ferry the Commissioners from time to time may erect and provide such warehouses sheds and other buildings works and conveniences as they think necessary for the storage and accommodation of animals and goods and for the loading and unloading of animals and goods and may make such reasonable charges as they think fit for all or any of the accommodation and services so provided or performed and the amount of such charges shall be recoverable in like manner as ferry tolls.

Powers to enter into composition for payment of tolls &c.

42. The Commissioners may from time to time enter into composition with any person or persons with respect to the payment of any ferry tolls authorised by this Act but so that no preference be in any case given to any person.

Exemption of Board of Trade and Customs and other officers from ferry tolls.

43. Officers of the Board of Trade and of Her Majesty's Customs and of the two companies as conservators of the harbour of Fleetwood and officers of police in the execution of their duty shall at all times have free ingress and egress to from and over the ferry works and landing places by land and with their vessels and shall be at liberty to pass and repass by the ferry boats without payment.

Exemption of Post Office officials from ferry tolls.

44. No ferry tolls shall be demanded or taken for any person or horse or carriage or other vehicle employed in conveying or guarding postal packets under the authority of Her Majesty's Postmaster-General either when employed in conveying fetching or guarding such postal packets or in returning from conveying or guarding the same. The term "postal packet" in this section has the same meaning as in the Post Office (Protection) Act 1884.

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Byelaws
as to ferry.

45. The Commissioners may subject to the provisions of this Act from time to time make alter repeal vary amend and enforce byelaws with respect to the ferry works for all or any of the purposes following (that is to say) :—

- (a) For regulating controlling and limiting the use of the ferry works ;
- (b) For preventing the commission of any nuisances in or upon such works ;
- (c) For preserving the ferry works and preventing injuries and damages to the same ;
- (d) For regulating the duties and conduct of all persons as well the officers and the servants of the Commissioners as others who shall be employed in and about the ferry works and in and about the vessels or boats used for the purposes of the ferry ;
- (e) For regulating the conveyance of passengers animals vehicles and goods in or upon any vessels or boats at the ferry works and the embarkation and disembarkation of the same respectively and for prohibiting the embarkation of any animals vehicles or goods in any vessels or boats used for the purposes of the ferry which may in the opinion of the Commissioners be injurious to or prejudicially affect the use of such vessels and boats or the traffic to be carried therein ;
- (f) For regulating and controlling or preventing if thought fit the fastening or mooring of vessels or boats of every description to any of the ferry works :

Provided that no such byelaws shall come into operation until the same shall have been confirmed by the Board of Trade.

46. The Commissioners may from time to time lease for any period not exceeding five years the ferry and any of their ferry works and any toll houses warehouses sheds rooms and other buildings works and conveniences connected therewith respectively or the tolls rates duties and other charges authorised to be taken by the Commissioners in respect thereof or any or either of them or any part or parts thereof respectively to such person or company upon such terms pecuniary and otherwise and conditions and under and subject to such restrictions and regulations as they think fit and a lessee shall during the continuance of the lease and subject to the provisions thereof have and may exercise in regard to the premises leased all the same powers of levying and recovering tolls rates and dues and otherwise as the Commissioners have or might exercise Provided that the accounts of any such lessee shall not be liable to audit by the auditor of the accounts of the Commissioners.

Power to
lease ferry.

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PART III.

Provisions as to buildings streets and sanitary matters.

Definition of buildings.

PART III.—PROVISIONS AS TO BUILDINGS STREETS AND SANITARY MATTERS.

47. For the purposes of this Part of this Act the expression “building” (including “new building” as defined by the next following section) shall include any erection or construction of a permanent character (not being a sewer or drain or any main pipe or plant of the Fylde Waterworks Company) whether of masonry brickwork wood iron or other materials and whether under or above the natural ground level and whether intended for human habitation or for trade or any other purpose whatever.

What to be deemed new buildings.

48. From and after the passing of this Act—

The erection of any building ;

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

The conversion into or using as a dwelling-house of any building not originally constructed for human habitation ;

The re-conversion into or using as a dwelling-house of any building which has been discontinued as and appropriated for any purpose other than that of a dwelling-house ;

The conversion into or using as two or more dwelling-houses of any building constructed originally as one dwelling-house ;

The conversion into one dwelling-house of two or more buildings constructed originally as separate dwelling-houses ;

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

The roofing or covering over of an open space between walls or buildings ;

shall for the purposes of this Part of this Act be deemed to be the erection of a new building.

Exemptions.

49. There shall be exempted from the provisions of this Part of this Act—

(a) 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 ;

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(b) Any building (not being a dwelling-house) belonging to any railway company and used by such company as a part of or in connexion with their railway.

PART III.

Provisions as to buildings streets and sanitary matters.

50. In all cases plans and sections deposited with the Commissioners or the surveyor in pursuance of any byelaw made by the Commissioners shall be retained by the Commissioners unless the same have been supplied in duplicate when one copy shall be returned with the notice of approval or disapproval signed by the chairman of the Commissioners or by the clerk or by the surveyor.

Plans &c. deposited to belong to Commissioners.

51. The approval by the Commissioners of any plan of new buildings shall be null and void if the execution of the work specified in such plan be not commenced within the following periods (that is to say):—

Approval of plans.

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

As to plans approved before the passing of this Act within three years from the passing of this Act:

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

The Commissioners shall give notice of the provisions of this section to every person intending to erect a new building the plans for which shall have been approved before the passing of this Act but the erection of which building shall not have been commenced.

52. The Commissioners may from time to time prohibit in any part of the district liable to be flooded or abutting upon any stream or watercourse the construction of any cellar or underground storey in any dwelling-house.

Power to prohibit cellars in districts liable to floods.

53. With respect to the height of chimneys the following provisions shall have effect namely:—

Height of chimneys.

(1.) In every case except with the permission of the Commissioners under the hand of the clerk every new chimney of whatever material intended to be used in connexion with the furnace of a fixed steam-engine or boiler or bakehouse or in connexion with any trade or business (save as herein-after excepted) shall not be less than thirty feet high;

(2.) All steam ejected from any fixed steam-engine or the boiler thereof and all steam arising or produced in any trade or business shall be discharged into a chimney or flue and in such manner as not to be an annoyance to the public;

(3.) The foregoing provisions of this section shall not apply to locomotives used upon any railway or tramway or to portable

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PART III.

Provisions as
to buildings
streets and
sanitary
matters.

Recovery of
damages
caused to
footways by
excavations.

Urinals to
be attached
to refresh-
ment houses
&c.

Certificate
that houses
fulfil certain
require-
ments.

Cowkeepers
and others
to furnish
lists of cus-
tomers in
certain cases.

steam-engines in use for agricultural purposes or to steam-rollers or fire-engines ;

(4.) Any person who shall offend against any provision of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

54. If the footway of any street belonging to or under the management of the Commissioners be injured by or in consequence of any excavations on lands adjoining to such footway the Commissioners may repair or replace the footway injured and all damages and expenses of or arising from such injury and repair or replacement shall be paid to the Commissioners by the owner or occupier of the lands on which such excavation has been made and may be recovered by the Commissioners in a summary manner.

55. The Commissioners may order the occupier of any inn public-house beerhouse or refreshment house built before or after the passing of this Act to provide and maintain upon his premises urinals to the satisfaction of the Commissioners and if any person fails after the expiration of fourteen days from the service of such order to comply with any of the provisions of this section he shall be liable to a penalty not exceeding twenty shillings and to a daily penalty of twenty shillings.

56. No building which was not at the passing of this Act occupied as a dwelling-house shall be so occupied until the drainage thereof shall have been made and completed and a proper water supply shall have been laid on thereto nor until a certificate shall have been granted by the surveyor to the owner that such house is in every respect fit for human habitation. Provided that if the surveyor shall fail to give such a certificate within seven days after a written application for it shall have been made to him by the owner of such building and shall not in the meantime have specified to the owner in what respects such building is not fit for human habitation then such building shall be thenceforth deemed to be in every respect fit for human habitation and may be occupied as a dwelling-house and if any building shall be occupied contrary to the provisions of this section the owner of such building if he shall occupy or shall allow to be occupied and every person who shall wilfully and knowingly occupy such building as a dwelling-house shall be deemed to have committed an offence against the provisions of this section and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

57. Whenever it shall be certified to the Commissioners by the medical officer of health that the outbreak or spread of infectious disease is in the opinion of such medical officer of health attribut-

able to the milk supplied by any cowkeeper purveyor of milk or occupier of a dairy milk-store or milk-shop the Commissioners 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 district and such cowkeeper purveyor of milk or occupier shall furnish such list accordingly and the Commissioners shall pay to him for every such list after the rate of six pence for every twenty-five names contained therein but no such payment shall exceed two 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 five shillings.

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PART III.

Provisions as to buildings streets and sanitary matters.

58. Whenever it shall be certified to the Commissioners by the medical officer of health that it is desirable with a view to prevent the spread of infectious disease that they should be furnished with a list of the customers of and of the persons employed by any person earning a livelihood or deriving gain by the washing or mangling of clothes whether within or outside the district the Commissioners may require such person to furnish to them within a time to be fixed by 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 or of the persons who have been employed by any such person as aforesaid during the past six weeks and such person shall furnish such list accordingly and the Commissioners shall pay to him or her for every such list the sum of six pence and after the rate of six pence for every twenty-five names contained therein but no such payment shall exceed three shillings Every person who shall wilfully or knowingly offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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

PART IV.—FORESHORE AND SANDS.

PART IV.

Foreshore and sands.

59. The Commissioners may from time to time make byelaws for all or any of the following purposes (that is to say):—

Commissioners may make byelaws as to user of foreshore &c.

For regulating the erection or placing on the foreshore and sands within or in front of the district or the immediate approaches thereto or any part or parts thereof of any booths tents sheds stands stalls shows exhibitions swings roundabouts or other erections vans photographic carts or other vehicles and the playing of any games on the said foreshore and sands which in the opinion of the Commissioners may be a cause of danger obstruction nuisance or annoyance and generally for regulating

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PART IV.

*Foreshore
and sands.*

the user for such purposes as shall be prescribed by the byelaws of the said foreshore and sands or any part thereof ;

For regulating the selling and hawking of any article commodity or thing on the foreshore and sands ;

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

Provided that no byelaws to be made under the provisions of this section shall extend or apply to any railways docks piers lands or property belonging or leased to or occupied by the Lancashire and Yorkshire Railway Company and the London and North Western Railway Company or either of those companies.

Provisions as
to bathing.

60. The Commissioners may by resolution from time to time fix and determine and alter the hours during which bathing may take place from those parts of the foreshore and sands within or in front of the district which are not comprised in any public bathing place or any stand for bathing machines :

And any person who shall undress on the foreshore or sands within or in front of the district or bathe in the sea in front of the district except from a bathing machine or from a public bathing place or from a boat distant from the shore not less than two hundred yards and from any stand for ladies' bathing machines not less than four hundred yards at any other time than between the hours so appointed shall for every such offence be liable to a penalty not exceeding forty shillings :

And the Commissioners may from time to time make and when made vary amend or rescind byelaws for the preservation of decency and order at public bathing stations and for regulating the hours during which bathing may take place therefrom and may by such byelaws prescribe the use of decent and sufficient bathing garments by persons bathing from such public bathing stations or from any other part of the said foreshore or sands.

Power to
annex con-
ditions to
licences to
proprietors
of bathing
machines.

61. The Commissioners may by byelaws from time to time annex to any licence granted to the owner or lessee of any bathing machine such conditions as to the employment of boats boatmen and attendants for the purpose of ensuring the safety of bathers as the Commissioners may think fit and as to the qualifications of such boatmen and attendants and any owner or lessee of any bathing machine who or any of whose boatmen attendants or servants shall commit a breach of any such conditions shall be liable to a penalty not exceeding five pounds and the Commissioners may in the event of conviction suspend or revoke the licence of any such owner or lessee.

Protection of
bathers.

62. The Commissioners may license and if they think fit pay boatmen for the purpose of protecting persons whilst bathing.

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PART IV.

Foreshore and sands.

Power to erect shelters &c.

63. It shall be lawful for the Commissioners at any time and from time to time with the sanction of the Local Government Board to erect and maintain shelters band-stands lavatories and other places and conveniences for the use and accommodation of the inhabitants of and visitors to the district on suitable sites on the parades foreshore and sands and lands now or hereafter belonging to or leased by the Commissioners The Commissioners shall have power to employ persons to manage and take charge of any places erected under this section and may from time to time make alter repeal and enforce regulations with respect to admissions thereto and the user thereof.

Saving rights of owners &c. of foreshore.

64. Nothing in this Part of this Act or in any byelaws made thereunder shall be deemed or taken to prejudice diminish alter or affect the estates rights titles privileges powers or authorities of any persons in over or under the foreshore or sands within or in front of the district or the immediate approaches thereto or any part thereof respectively.

PART V.—LICENSING.

PART V.

Licensing.

Power to license persons following certain callings.

65.—(1.) The Commissioners may from time to time grant to every person they think fit a licence to carry on the calling of luggage porter light porter public messenger or commissionaire and may charge a fee of one shilling for any such licence.

(2.) Any licence issued by the Commissioners under this Act may be granted for a year or for any less period according as the Commissioners may think fit and may be suspended or revoked or endorsed by the Commissioners whenever they shall deem such suspension or revocation or endorsement to be necessary or desirable in the interests of the public Provided that the existence of this power to suspend or revoke or endorse a licence shall be plainly set forth in the licence itself.

66. Every licence whensoever issued shall expire on the first Monday in the month of July next following the date of its issue and may contain conditions as to the badge which the holder of any such licence shall wear.

Conditions as to licences.

67. If any person feels himself aggrieved by the suspension or revocation of his licence he may appeal to a court of summary jurisdiction and such court may either confirm or annul such suspension or revocation or make such order in the matter as shall appear to it expedient.

Appeal against suspension of licences.

68. If any person while unlicensed represents himself to be licensed or wears any badge for the purpose of holding himself out

Penalty on persons misrepresenting

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PART V.

Licensing.
themselves
to be
licensed.

as licensed to carry on any of the callings specified in the foregoing section in this Part of this Act whereof the marginal note is "Power " to license persons following certain callings " he shall be liable to a penalty not exceeding twenty shillings.

PART VI.

Street traffic.

Restriction
on adver-
tising
vehicles.

PART VI.—STREET TRAFFIC.

69. It shall not be lawful in any street in the district to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Commissioners which consent shall be in writing under the hand of the clerk and may contain such terms and conditions as the Commissioners think fit Any person acting in contravention of the provisions of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds.

Any person aggrieved by the refusal of the Commissioners to grant such consent may appeal to a petty sessional court after the expiration of two clear days after such refusal provided he give twenty-four hours' written notice of such appeal and the grounds thereof to the clerk to the Commissioners and the court shall have power to award costs to the successful party such costs to be recoverable in like manner as a penalty under this Act.

Public
drinking
fountains.

70. The Commissioners may from time to time when and as they think it expedient put up and continue and from time to time remove or discontinue drinking fountains and cattle troughs with proper conveniences for the gratuitous supply of water for drinking and for watering of cattle and horses at such fountains or troughs respectively and may furnish or discontinue such gratuitous supply in such public places as the Commissioners think fit but not against or adjoining the footpath in front of any private dwelling-house warehouse counting-house shop or other building except with the consent of the owner and occupier thereof.

PART VII.

Police.

For pre-
venting
obstruction
in streets.

PART VII.—POLICE.

71. If three 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 and if any of 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.

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72. 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.

PART VII.

Police.

Street musicians to depart on request.

73. Any three or more persons assembled in any part of any street for the purpose of betting shall be deemed to be obstructing the street and each of such persons shall be liable to a penalty not exceeding forty shillings.

Betting in streets and public places prohibited.

74. The Commissioners may from time to time make and enforce byelaws for prescribing hours within which during any fair or at any other time any show booth caravan circus or exhibition may be kept open and for preserving order therein.

Regulation of shows caravans &c.

PART VIII.—MARKETS &c.

PART VIII.

Markets &c.

75. Schedule E. to the Act of 1842 is hereby repealed and the second schedule to this Act is hereby substituted therefor as from the expiration of one month from the passing of this Act. Such last-mentioned schedule shall have the same force and effect as if it had been enacted by and were the schedule referred to in the Act of 1842 but not so as to give this enactment any retrospective effect.

Market tolls &c.

76. The Commissioners may from time to time let any shops stalls sheds pens stands benches trestles and other buildings or conveniences belonging to them in their market places for such period not exceeding three years and at such rent and on such terms and conditions as they shall think fit.

Power to let shops stalls &c. in market-place.

PART IX.—FINANCE.

PART IX.

RATES.

Finance.

77.—(1.) If after the making of the valuation list or if there be none then after the making of the last poor rate and before the making of the next general improvement rate by the Commissioners any building be newly erected which would be assessable to the poor rate the Commissioners may and shall cause every such building to be valued by a competent valuer and the Commissioners may and shall in making the assessment for such general improvement rate include every such building therein.

Buildings erected since last valuation list may be valued and rated.

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PART IX.

Finance.

(2.) For the purpose of every such valuation the valuer with his assistants may at all reasonable hours until the same is completed enter and survey all and every part of the property to be valued and do any act or thing necessary for the making of such valuation and the valuer may accept any valuation tendered to him which he may consider just and true.

(3.) If any person think himself aggrieved by any rate made on the basis of such valuation he may at the first meeting of the Commissioners held after the publication of such rate after giving three days' notice in writing to the Commissioners apply to the Commissioners for relief and they may grant such relief as they may think right and may amend such rate accordingly.

BORROWING.

Power to borrow for purposes of Act with approval of Local Government Board.

78. The Commissioners may from time to time independently of any other borrowing power borrow for the purposes of and in manner provided by this Act with the approval of the Local Government Board such moneys as may be necessary for carrying into effect the purposes of this Act and the Commissioners may also borrow for the payment of the costs charges and expenses provided for by the last section of this Act the amount of such costs charges and expenses and the Commissioners may mortgage the revenue of their ferry undertaking and the general improvement rate (or either of those securities) to secure the repayment of the moneys borrowed with interest.

Power to Local Government Board to direct inquiries.

79. The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

Payment of expenses of Local Government Board.

The Commissioners shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Certain regulations of Public Health Act as to borrowing not to apply.

80. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Commissioners may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

81. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :—

Section 236. Form of mortgage.

Section 237. Register of mortgages.

Section 238. Transfer of mortgages.

Section 239. Receiver may be appointed in certain cases.

82. The Commissioners shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as the prescribed periods) following (that is to say) :—

Period for
payment off
of money
borrowed.

As to moneys borrowed for purposes of this Act with the approval of the Local Government Board within such period as that Board may think fit to sanction ;

As to moneys borrowed for the payment of the costs charges and expenses provided for by the last section of this Act within five years from the date of the borrowing of the same.

83. The Commissioners 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 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.

Power to
borrow
under Local
Loans Act
1875.

All moneys borrowed in accordance with this section shall be a charge upon and shall be paid out of the same rate and security as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such rate and security shall be deemed to be the local rate as defined by the Local Loans Act 1875.

All moneys borrowed in accordance with this section shall be discharged within the prescribed periods.

84. The Commissioners shall pay off all money borrowed by them under the powers of this Act and not under the powers of the Local Loans Act 1875 by equal annual or half-yearly instalments of principal or of principal and interest combined or by a sinking fund and all moneys borrowed under the powers of the Local Loans Act 1875 shall be repaid by any one or more of the methods mentioned in the Local Loans Act 1875 and sections 13 14 and 15 of that Act as modified by the next succeeding section of this Act shall apply accordingly The Commissioners shall not invest any sinking fund in their own securities or in any securities payable to bearer.

Payment off
of money
borrowed.

85.—(1.) Where the Commissioners effect the repayment of any sum borrowed under this Act by means of a sinking fund they shall

Provisions as
to sinking
fund.

[Ch. ccxvii.] *Fleetwood Improvement Act, 1893.* [56 & 57 VICT.]

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PART IX.
Finance.

in every year pay out of the funds rates tolls or revenue on the security of which money is borrowed under this Act such equal annual sum as will with the accumulation thereof by way of compound interest calculated at a rate not exceeding three per centum per annum be sufficient to pay off the whole of the sum borrowed within the period fixed for such repayment.

(2.) The date for the first payment into the sinking fund in respect of any sum borrowed under this Act shall be the twenty-fifth day of March next following the date on which such sum is borrowed.

Investment
of sinking
fund.

(3.) All sums paid into the sinking fund shall be as soon as may be invested by the Commissioners in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures stock or other securities not being annuities or securities payable to bearer authorised by Act of Parliament of any local authority as defined by the Local Loans Act 1875 other than the Commissioners and any such investments may be from time to time varied or transposed and all dividends and other sums received in respect of such investments shall as soon as may be after they are received or become payable be paid into the sinking fund and be invested by the Commissioners in like manner.

(4.) And if and as often as the income derived from such investments is not equal to the income which would be derived therefrom at the rate per centum on which the equal annual payments to the fund are based any deficiency shall be made good out of the respective funds rates tolls or revenue which are liable for the equal annual payments and if and as often as the income derived from such investments is in excess of the income which would be derived therefrom at the rate per centum on which the equal annual payments to the fund are based any such excess may be applied as part of such equal annual payments.

Application
of sinking
fund.

86.—(1.) The Commissioners may at any time apply the whole or any part of the sinking fund in or towards the discharge of the moneys or any part of the moneys for the discharge of which the fund was created.

(2.) Whenever any of such principal moneys have been so paid off the Commissioners shall thenceforward until the whole of the principal moneys owing by the Commissioners under this Act have been paid off pay into the sinking fund every year in addition to the other sums herein-before required to be paid into the fund a sum equivalent to the interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate per centum on which the equal annual payments to the fund are based.

(3.) When the amount standing to the credit of the sinking fund shall be equal to the principal moneys then due and outstanding the Commissioners may in lieu of investing the yearly income arising from the sinking fund apply the same in payment of the interest of the principal moneys then due and outstanding and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

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Finance.

87. If the Commissioners pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Commissioners with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Power to re-borrow.

88. And whereas the Commissioners have from time to time under the provisions of section 44 of the Act of 1842 borrowed and re-borrowed and now owe the following sums viz. :—

Repayment of moneys borrowed under Act of 1842.

(a) Eleven thousand eight hundred and sixteen pounds nine shillings and one penny the amount found to be due to Sir Peter Hesketh Fleetwood in pursuance of sections 41 and 42 of the Act of 1842;

(b) Twenty thousand pounds;

and it is expedient that such provisions as are herein-after contained be made for paying off the said moneys Therefore the following provisions shall have effect :—

(1.) The Commissioners shall pay off or make provision for paying off all moneys borrowed and re-borrowed by them under the Act of 1842 and now owing within the respective periods following (that is to say) :—

(a) As to the said sum of eleven thousand eight hundred and sixteen pounds nine shillings and one penny within thirty years from the commencement of the said recited Provisional Order dated the twenty-second day of May one thousand eight hundred and eighty-two and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 9) Act 1882 out of the rate or rates which the Commissioners are authorised and required to make and levy by Article 4 of such Provisional Order;

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(b) As to the said sum of twenty thousand pounds within thirty-five years from the passing of this Act:

(2.) The provisions of sections 84 to 87 of this Act shall so far as applicable extend and apply mutatis mutandis to the said sums and to the Commissioners in relation thereto as if the same had been borrowed under the powers of this Act. Provided that the date for the first payment by instalments or into the sinking fund shall be the twenty-fifth day of March one thousand eight hundred and ninety-four:

(3.) Section 44 of the Act of 1842 is hereby repealed without prejudice to any mortgages or other securities already granted under the authority of that section.

Protection of lender from inquiry.

89. A person lending money to the Commissioners under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Commissioners not to regard trusts.

90. The Commissioners shall not be bound to recognise or see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them under this Act may be subject but the receipt of the person or any one of the persons or (as the case may be) of the personal representative or representatives of the person or the last survivor of the persons in whose name or names any loan or security for loan stands in the books of the Commissioners shall from time to time be a sufficient discharge to the Commissioners in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Commissioners have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their books and the Commissioners shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Audit of accounts.

91. Sections 245 247 (except so much thereof as is repealed by the District Auditors Act 1879) 249 and 250 of the Public Health Act 1875 relating to accounts and their audit and the provisions of the District Auditors Act 1879 so far as the same are applicable shall apply to the accounts of the Commissioners under this Act and the Act of 1842 and to the audit of such accounts and section 39 (auditors may be appointed) and section 40 (auditors to inspect accounts and to appeal if they think fit) of the Act of 1842 are hereby repealed.

92.—(1.) The clerk to the Commissioners 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 this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the clerk to the Commissioners 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 Acts in a summary manner may be recovered by parties aggrieved within the meaning of those Acts.

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

(2.) If it appear to the Local Government Board by such return or otherwise that the Commissioners have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

93. Money borrowed by the Commissioners under this Act shall be applied only for purposes of this Act for which it is authorised to be borrowed and to which capital is properly applicable.

Application of money borrowed.

94. All charges on the property revenues and rates of the Commissioners existing immediately before the passing of this Act shall during their continuance have priority over any mortgages granted by the Commissioners under the powers of this Act.

Saving priority of existing charges.

95. The Commissioners shall keep a separate account to be called the ferry account of all receipts payments credits and liabilities on capital and revenue accounts respectively in respect of the execution by them of so much of this Act as relates to the ferry undertaking.

Separate ferry account.

A.D. 1893.

PART IX.

Finance.

Application
of ferry
revenue.

96. All moneys from time to time received by the Commissioners by way of revenue in respect of the ferry undertaking shall be applied by them as follows:—

- (1.) In payment of the working and establishment expenses and cost of maintenance of the ferry undertaking including all costs expenses penalties and damages incurred or payable by the Commissioners consequent upon any proceedings by or against the Commissioners their officers or servants in relation to the ferry undertaking ;
- (2.) In payment of the interest or dividend on any mortgages stock or other securities granted and issued by the Commissioners in respect of money borrowed for ferry purposes ;
- (3.) In providing any instalments or sinking fund or appropriations or annual repayments required to be provided in respect of moneys borrowed for ferry purposes ;
- (4.) In payment of all other their expenses of executing so much of this Act as relates to the ferry undertaking not being expenses properly chargeable to capital ;
- (5.) In providing a reserve fund if they think fit by setting aside such money as they may from time to time think reasonable and investing the same and the resulting income thereof in Government securities or in any other securities in which trustees are by law for the time being authorised to invest other than stock or securities of the Commissioners and accumulating the same at compound interest until the fund so formed amounts to one-fifth of the aggregate capital expenditure on the ferry undertaking which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Commissioners from the ferry undertaking or to meet any extraordinary claim or demand at any time arising against the Commissioners in respect of the ferry undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens :

And the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit shall be carried to the credit of the general improvement rate and be applicable to the general purposes thereof.

Providing
for any
deficiency in
revenue from
ferry under-
taking.

97. In case the revenue of the Commissioners from their ferry undertaking shall in any year be insufficient for the purpose of defraying the costs charges and expenses of the Commissioners with respect thereto and for the payment of the interest or dividend on any mortgages stock or other securities granted and issued by the

Commissioners in respect of money borrowed for ferry purposes and for providing any instalments or sinking fund or appropriations or annual repayments required to be provided in respect of moneys borrowed for ferry purposes the Commissioners may include the amount of such insufficiency in their estimate for that or the following year and defray the same out of the general improvement rate.

A.D. 1893.

PART IX.

Finance.

PART X.—MISCELLANEOUS.

PART X.

Miscellaneous.

98. The Commissioners may from time to time provide and maintain for their town hall offices and other establishments including the stations of any volunteer fire brigades and the private residences of the firemen thereof such telegraphic or telephonic communication between such parts of the district as they may deem fit but such telegraphs and telephones shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster General by the Telegraph Act 1869 and in relation to any such telegraphs or telephones the Telegraph Act 1863 shall apply to the Commissioners as if the Commissioners were a company authorised by special Act of Parliament to construct and maintain telegraphs but so that it shall not be requisite for the Commissioners to give any notice respecting the opening for the purposes of telegraphs or telephones of any streets under their own management.

Telegraphic &c. communications between town hall and offices.

99. The Commissioners may from time to time pay or contribute towards the payment of a public band of music for the district to perform in any place of public resort within the district as the Commissioners may prescribe provided that the amount of such payment or contribution shall be paid out of the general improvement rate and shall not in any one year exceed in amount the rate of one penny in the pound on the rateable value of the district assessable to the general improvement rate and the Commissioners may also pay or contribute towards the payment of the cost of maintaining at railway stations and other public places advertisements relating to the ferry provided that the amount of such payments or contributions shall be paid out of the general improvement rate and shall not in any one year exceed the amount of the surplus revenue from the ferry undertaking carried to the credit of that rate in the previous year.

Public bands advertising &c.

100. And whereas doubts have arisen as to the corporate name of the Commissioners and it is expedient to remove such doubts Therefore the following provisions shall have effect:—

As to corporate name of Commissioners.

A.D. 1893.

PART X.

Miscellaneous.

- (1.) The name of the Commissioners shall be and shall be deemed to have always been since the passing of the Act of 1842 "The Fleetwood Improvement Commissioners" and they shall be deemed to have been or continued to be incorporated as the Urban Sanitary Authority for the district by that name by the Public Health Act 1875 with a perpetual succession and a common seal and with power to sue and be sued in such name and to hold lands without any licence in mortmain for the purposes of that Act:
- (2.) The Commissioners may cause their existing common seal to be broken or destroyed in the presence of the chairman and clerk of the Commissioners and may adopt a new common seal bearing their corporate name "The Fleetwood Improvement Commissioners":
- (3.) Nothing in this section shall prejudice any deed instrument security or contract made or any other thing done or suffered by the Commissioners under a seal bearing any other name.

General provisions as to byelaws.

101. All byelaws from time to time made by the Commissioners under the powers of this Act except byelaws made under Part II. (Ferry) shall be made under and according to the provisions with respect to byelaws contained in sections 182 to 186 (both inclusive) of the Public Health Act 1875 except so much thereof as relates to byelaws of a rural sanitary authority Provided that the Secretary of State shall be the confirming authority for byelaws made under section 59 and Part VII. (Police).

Authentication and service of notices.

102. Any notice or other such document under this Act requiring authentication by the Commissioners may be signed by the clerk or the surveyor as the case may be on behalf of the Commissioners Notices orders and any other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided always that in the case of a railway or other public company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business and in the case of the two companies to the principal office of the Lancashire and Yorkshire Railway Company.

Service of notice on Commissioners.

103. Except where otherwise expressed to the contrary any notice to or demand on the Commissioners under this Act may be served on the Commissioners by being delivered to the clerk or by being sent through the post in a registered letter directed to the clerk.

A.D. 1893.

PART X.

Miscellaneous.

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

Compensation how to be determined.

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

Penalty on occupiers refusing execution of Act.

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

106. Offences against this Act and penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner.

Recovery of penalties &c.

107. All penalties recovered under this Act or under any byelaw thereunder shall except in the case of penalties recovered against the Commissioners be paid to the treasurer and be by him carried to the credit of the general improvement rate account or fund.

Penalties to be paid over to the treasurer &c.

108. Any person deeming himself aggrieved by any order judgment determination assessment or requirement or the withholding or refusal of any certificate licence consent approval or relief of or by the Commissioners or of or by any officer or valuer of the Commissioners or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal (but in cases where application for relief is authorised to be made to the Commissioners then only after such application) to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

As to appeal.

PART X.

Miscellaneous.

Confirmation of scheduled indenture.

Saving rights of the Duchy of Lancaster.

109. The indenture set forth in the third schedule to this Act is hereby confirmed and made binding on the persons who are therein included in the term "the said Bourne Owners" and on the Commissioners and their successors.

110. Nothing contained in this Act shall extend or operate to authorise the Commissioners to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to Her Majesty in right of Her Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said Duchy first had and obtained (which consent the said Chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by Her Majesty Her heirs or successors in right of Her said Duchy.

Saving rights of two companies.

111. Nothing in this Act contained shall affect the decree judgment or order made or given on the seventh day of December 1880 in a certain suit in the Chancery Division of the High Court in which the two companies were plaintiffs and the Commissioners were defendants and all rights powers privileges and authorities of the said companies and of the Commissioners as they were then determined in and by reason of such suit shall be enjoyed and exercised in as full and ample a manner as if this Act had not been passed.

As to works on foreshore.

112. The Commissioners shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Commissioners shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Commissioners and the amount of such costs and charges shall be a debt due from the Commissioners to the Crown and shall be recoverable accordingly with costs.

[56 & 57 VICT.] *Fleetwood Improvement Act, 1893.* [Ch. ccxvii.]

113. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Commissioners out of the funds and rates under the control of the Commissioners or out of moneys borrowed on the security thereof under the powers of this Act.

A.D. 1893.

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PART X.

—
*Miscel-
laneous.*

Expenses of
Act.

A.D. 1893.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

FERRY TOLLS.

FOR PASSENGERS.

	s.	d.
For every person each time - - - - -	0	3
FOR ANIMALS VEHICLES AND GOODS.		
Ale and porter per nine gallons - - - - -	0	2
Ale and porter per dozen bottles - - - - -	0	1
Ale and porter empties each - - - - -	0	4
Bacon per cwt. - - - - -	0	2
Barley per cwt. - - - - -	0	4
Beef per cwt. - - - - -	0	4
Bread per cwt. - - - - -	0	2
Baskets large - - - - -	0	4
Baskets small - - - - -	0	2
Beds each - - - - -	0	4
Bedsteads each - - - - -	1	4
Boxes large each - - - - -	0	4
Boxes small each - - - - -	0	2
Bricks per cwt. - - - - -	0	4
Bricks per ton - - - - -	5	0
Butter per cwt. - - - - -	0	4
Bicycles each - - - - -	0	4
Cab or car and horse - - - - -	2	0
Calves each - - - - -	0	4
Candles under 60 lbs. - - - - -	0	2
Candles exceeding 60 lbs. and under 112 lbs. - - - - -	0	4
Carpet bags each - - - - -	0	2
Carriage phaeton or cab and 2 horses (driver only free) - - - - -	3	0
Carriage phaeton or cab and 1 horse (driver only free) - - - - -	2	0
Cart and horse (loaded or empty) - - - - -	3	0
Cart and 2 horses (loaded or empty) - - - - -	3	6
Casks empty large each - - - - -	1	0
Casks empty small each - - - - -	0	2
Cement per cwt. - - - - -	0	4
Chairs common each - - - - -	0	2
Chairs bedroom per dozen - - - - -	0	8
Chairs easy or rocking each - - - - -	0	2
Cheese each - - - - -	0	2
Chest of drawers large each - - - - -	0	8

	s.	d.	A.D. 1893.
Chest of drawers small each	-	0	6
Chiffonier each	-	1	4
Chimney tops each	-	0	2
Chips per bag under 56 lbs.	-	0	2
Clothes presses	-	2	0
Cockles per bag under 56 lbs.	-	0	2
Coffee per bag under 56 lbs.	-	0	2
Coffee per bag over 56 lbs.	-	0	4
Coffins empty (adult's) each	-	2	0
Coffins empty (child's) each	-	1	0
Cordage per cwt.	-	0	4
Cordage per ton	-	5	0
Corpse (adult)	-	5	0
Corpse (child)	-	3	0
Couch	-	0	6
Cow or bull each	-	1	0
Donkey and one man	-	1	0
Donkey and cart and one man	-	1	6
Earthenware or hollow-ware per cwt.	-	1	0
Eggs per one hundred	-	0	2
Furniture van loaded or empty and 2 horses	-	8	0
Furniture van loaded or empty and 1 horse	-	6	0
Float large and 1 horse	-	4	0
Felt per cwt.	-	0	4
Flags per cwt.	-	0	4
Flags per ton	-	5	0
Flour per cwt.	-	0	2
Firegrates common or registered each	-	0	6
Fish per cwt.	-	0	2
Geese dead or alive each	-	0	1
Geese dead or alive per score	-	1	0
Gig horse and man	-	2	0
Glass per cwt.	-	1	0
Goats each	-	0	2
Guano per cwt.	-	0	4
Guano per ton	-	5	0
Hamper large	-	0	6
Hamper small	-	0	4
Hams each	-	0	1
Handbarrow loaded and two men	-	1	0
Handcart large loaded or empty and one man	-	2	0
Handcart small loaded or empty and one man	-	1	0
Hay or straw per cwt.	-	0	4
Hearse and four horses	-	10	0
Hearse and two horses	-	6	0
Hearse and one horse	-	4	0
Hides each	-	0	4
Hops per cwt.	-	1	0
Horse and man	-	1	6
Ice under 56 lbs.	-	0	2
Ice per cwt.	-	0	4

[Ch. ccxvii.] *Fleetwood Improvement Act, 1893.* [56 & 57 VICT.]

A.D. 1893.

	s.	d.
Iron per cwt.	0	4
Iron per ton	5	0
Kitchen range per cwt.	0	4
Laths per cwt.	0	4
Landing waiter's hut	10	0
Lead per cwt.	0	4
Lead per ton	5	0
Lime per cwt.	0	4
Lorry or waggon with one horse (driver only free)	4	0
Lorry or waggon with two horses (driver only free)	5	0
Milk per ten gallons	0	2
Mourning coach and one horse	4	0
Mourning coach and two horses	5	0
Molasses per cwt.	0	4
Mussels per cwt.	0	2
Nails per cwt.	0	4
Oakum per cwt.	0	4
Oats per cwt.	0	4
Oil per 9 gallons	0	2
Ottomans each	0	8
Paint per cwt.	0	4
Paint per ton	5	0
Paraffin oil per 9 gallons	0	2
Parcels under 56 lbs. each	0	2
Parcels under 112 lbs. each	0	4
Perambulators each	0	2
Pianoforte or harmonium each	2	0
Pigs dead or alive each	0	2
Pigs sucking each	0	1
Pitch per cwt.	0	4
Portmanteaus each	0	2
Potatoes per cwt.	0	2
Rope per ton	5	0
Sacks and mats per cwt.	0	4
Salt per cwt.	0	4
Salt pork beef fish per cwt.	0	4
Sheep dead or alive each	0	2
Sheep per score	3	0
Skins each	0	1
Skins per dozen	0	4
Slates per cwt.	0	4
Slates per ton	5	0
Soap per cwt.	0	2
Sofas each	0	6
Spirits or wine per 9 gallons	0	4
Sugar per cwt.	0	2
Tables according to size and value each	1d.	to 8
Tallow per cwt.	0	4
Tar per cwt.	0	4
Turpentine per cwt.	0	4
Tea per cwt.	0	4

	s.	d.	A.D. 1893.
Tiles per cwt. - - - - -	0	4	—
Tiles per ton - - - - -	5	0	
Timber average 12 by 9 by 3 plank - - - - -	0	2	
Trucks small each way - - - - -	0	6	
Trucks large each way - - - - -	0	8	
Vinegar per 9 gallons - - - - -	0	2	
Wardrobes each - - - - -	0	8	
White lead per cwt. - - - - -	0	4	
Wheelbarrow loaded or empty and one man - - - - -	0	8	
Wire rigging per ton - - - - -	5	0	
Wood per cwt. - - - - -	0	4	
Wool per cwt. - - - - -	1	0	
Yeast per 56 lbs. - - - - -	0	2	

Where the Commissioners are authorised under this Schedule to charge per hundredweight or per ton then for the fraction of a hundredweight or the fraction of a ton they may charge as for a hundredweight or a ton as the case may be and so in respect of any other weight or measure by which they are authorised to charge.

For all goods not enumerated in this schedule such sums as may be agreed.

SECOND SCHEDULE.

MARKET &c. TOLLS.

	£	s.	d.
Horses—			
For every stallion - - - - -	0	1	0
For every horse gelding mare colt filly mule or ass - - - - -	0	0	6
For every mare and suckling colt - - - - -	0	0	8
Cattle—			
For every bull - - - - -	0	0	6
For every ox steer bullock cow or heifer - - - - -	0	0	3
For every calf - - - - -	0	0	2
Sheep &c.—			
For every sheep or lamb goat or kid - - - - -	0	0	1
Pigs—			
For each pig - - - - -	0	0	1
Sucking pigs not exceeding six - - - - -	0	0	6
Sucking pigs exceeding six - - - - -	0	1	0
Waggons and carts—			
For every waggon cart carriage or vehicle used by any person for exposing or in which shall be exposed for sale any article commodity or thing whatsoever for which no specific toll is hereby imposed per day - - - - -	0	2	0
Spaces and stalls—			
For every superficial square foot of ground and fractional part of a superficial square foot not within any market building used for selling or exposing for sale goods wares or merchandise or any other article and not otherwise charged for as a stall standing or place for sale every day - - - - -	0	0	2

Articles not mentioned to be paid for by space.

A.D. 1893.

TOLLS FOR COVERED MARKET.

	£	s.	d.
Corn seeds &c.—			
For every imperial bushel or quantity less than an imperial bushel of wheat barley oats peas beans vetches flour meal or malt rye-grass or grass seed of any kind respectively - - - - -	0	0	1
For every fourteen pounds or quantity less than fourteen pounds of clover trefoil turnip or other seeds not herein-before enumerated respectively - - - - -	0	0	1
Hay straw clover vetches—			
For every ton of hay straw clover vetches or fodder of any kind respectively - - - - -	0	1	0
For half a ton or any less quantity - - - - -	0	0	6
Poultry and game—			
For every turkey under twelve pounds in weight - - - - -	0	0	1½
For every turkey over twelve pounds in weight - - - - -	0	0	2
For every hare every couple of rabbits or wild fowls or brace of partridges - - - - -	0	0	1
For every goose and every couple of ducks or fowls - - - - -	0	0	1
For every pea fowl every couple of guinea fowls or woodcocks or every brace of pheasants - - - - -	0	0	2
For every couple of pigeons or snipes - - - - -	0	0	1½
Fish—			
For any quantity not exceeding fourteen pounds - - - - -	0	0	1
For any quantity exceeding fourteen pounds for each fourteen pounds or part thereof - - - - -	0	0	0½
For every handtruck wheelbarrow or handcart of fish - - - - -	0	0	6
Wholesale carcasses—			
For every sheep - - - - -	0	0	4
For every calf - - - - -	0	0	8
For every pig - - - - -	0	0	8
For every beast - - - - -	0	1	6
Provision vegetable and other stalls and stands—			
From every person occupying or using any stall standing barrow basket box bench or barrel for the sale of vegetables provisions fruit fish game poultry china glass earthenware baskets hardware or other commodities articles or things according to the size and dimensions of the same namely for each superficial square foot and fractional part of a superficial square foot of the ground space covered or occupied by any such stall standing barrow basket box bench or barrel any sum not exceeding for every day - - - - -	0	0	2
Spaces and stalls—			
For every space of ground within any market building which by consent of the Improvement Commissioners shall be used for exposing for sale any raw or manufactured goods wares merchandise articles of consumption provisions apparel ornaments furniture or any other commodities articles or things of any kind whatsoever.			
For every superficial square foot and fractional part of a superficial square foot any sum not exceeding for every day - - - - -	0	0	2

[56 & 57 VICT.] *Fleetwood Improvement Act, 1893.* [Ch. ccxvii.]

	£	s.	d.	A.D. 1893.
For every table or stall provided by the Improvement Commissioners according to position and size such reasonable prices per day as the Improvement Commissioners shall determine.				—
Roots shrubs and flowers—				
For every dozen or number less than a dozen of shrubs or small trees - - - - -	0	0	6	
For every one hundred or number less than one hundred of quick -	0	0	3	
For every hand basket or parcel of cut or plucked flowers in pots -	0	0	1	
For every dozen or number less than a dozen pots of growing flowers or plants in pots - - - - -	0	0	3	
For plants not otherwise enumerated for every one hundred or number less than one hundred - - - - -	0	0	0½	
Cheese—				
For every single cheese weighing above two pounds and not more than fourteen pounds - - - - -	0	0	1	
For every half-dozen or less number of cheese each weighing more than two pounds - - - - -	0	0	2	
And so in proportion for any greater number.				
For every cheese exceeding fourteen pounds and not exceeding twenty-eight pounds - - - - -	0	0	2	
Above twenty-eight pounds for each fourteen pounds - - - - -	0	0	1	
Butter—				
For every basket parcel or quantity of butter not exceeding six pounds weight per day - - - - -	0	0	1	
For each additional six pounds or fractional part thereof per day -	0	0	1	
Eggs—				
For every basket parcel or quantity of eggs under twenty per day	0	0	1	
For each additional twenty or fractional part thereof per day -	0	0	1	
Waggon and carts--				
For every waggon cart carriage or vehicle used by any person for exposing or in which shall be exposed for sale any article commodity or thing for which no specific toll is hereby imposed per day - - - - -	0	2	0	
Weighing and measuring tolls—				
For weighing in sack any article or sack per sack up to 112 lbs. -	0	0	1	
For weighing any article or thing not in sack up to 112 lbs. -	0	0	1	
For every additional 112 lbs. or fractional part thereof - - - - -	0	0	1	
For weighing any waggon whether loaded or unloaded - - - - -	0	1	0	
For weighing any cart whether loaded or unloaded - - - - -	0	0	6	
For measuring goods or things sold by measure per bushel - - - - -	0	0	1	
General tolls—				
For every superficial square foot in the covered market used for any other purpose or for exposing an article or thing not in the schedule otherwise provided for such reasonable sum as the Improvement Commissioners shall determine.				
For warehousing and for any other purpose whatever for which the covered market or any part thereof may be required or used such reasonable sum as the Improvement Commissioners shall determine.				
For every space of ground covered or uncovered let to auctioneers for the purposes of their trade such reasonable sum as the Improvement Commissioners shall determine.				

A.D. 1893.

		£	s.	d.
Slaughter-house tolls—				
For every bull ox cow bullock steer or heifer	-	-	-	0 2 0
For every calf	-	-	-	0 1 0
For every sheep or lamb	-	-	-	0 0 6
For every hog or pig	-	-	-	0 0 8
For every other beast	-	-	-	0 2 0

THIRD SCHEDULE.

THIS INDENTURE made the twenty-fourth day of June one thousand eight hundred and ninety-three between HARRIET ANN DYSON MAY-BOURNE the wife of James William Seburne May-Bourne of 43 Queen's Gate Gardens London Esquire of the first part WILLIAM FREDERIC BOURNE BRANDRETH of 9 Red Lion Square London Esquire HENRY HUGH HORNBY of the city of Liverpool Esquire J.P. and JOHN HUGHES of the city of Liverpool Esquire J.P. of the second part and THE FLEETWOOD IMPROVEMENT COMMISSIONERS the Urban Sanitary Authority for the district of Fleetwood in the county of Lancaster of the third part.

WHEREAS estates now standing settled to the limitations existing under or by virtue of the last will dated the twentieth day of December one thousand eight hundred and seventy-nine of Sir James Bourne Baronet who died on the fourteenth day of March one thousand eight hundred and eighty-two (which are herein-after referred to as "the Bourne Estates") comprise or are claimed to comprise among others the Bourne Arms Hotel and other lands and hereditaments situate at Knot End in the township of Preesall-cum-Hackinsall in the county of Lancaster and also certain rights in or to the foreshore of the River Wyre within and in front of the said lands and hereditaments and in the breakwater erected on the said foreshore in front of the said lands and hereditaments and the said hotel lands and hereditaments foreshore and breakwater are delineated on the map or plan annexed to these presents so far as necessary to be shown for the purposes of these presents :

And whereas the said Harriet Ann Dyson May-Bourne is now tenant for life in possession of the Bourne Estates and the said William Frederic Bourne Brandreth Henry Hugh Hornby and John Hughes are the trustees thereof :

And whereas the said Commissioners are promoting a Bill in Parliament for authorising the said Commissioners to establish maintain work and regulate a ferry across the River Wyre between Fleetwood and Knot End and for other purposes :

And whereas the said Harriet Ann Dyson May-Bourne and William Frederic Bourne Brandreth Henry Hugh Hornby and John Hughes presented a petition to Parliament against the said Bill :

And whereas the terms embodied in these presents have been arranged between the parties as to the conditions upon which the said Commissioners may enter upon and use such parts as are herein-after mentioned of the Bourne

Estates for the making constructing maintaining and using for the purposes herein expressed the works specified in the schedule hereunder written conditionally upon the said Commissioners being authorised by Parliament by the passing of the said Bill :

Now this indenture witnesseth that it is hereby agreed and declared between the said Commissioners for themselves their successors and other the authority for the time being in whom shall be vested the powers of the said Bill if the same shall be passed (all herein-after included in the term "the said Commissioners") on the one side and the said Harriet Ann Dyson May-Bourne and the said William Frederic Bourne Brandreth Henry Hugh Hornby and John Hughes on behalf of themselves and all and every other persons and person claiming or to claim through under or in trust for them respectively or by succession or devolution of title or in remainder or reversion after them respectively under the limitations of the said will of the said Sir James Bourne or by virtue of any title traced through such limitations and also the right heirs of the said Sir James Bourne in respect of any estate or interest in the lands foreshore and hereditaments affected by these presents and their his and her respective heirs executors administrators and assigns (all of whom are herein-after included in the term "the said Bourne owners") on the other side each of the said parties agreeing with the other of them as to the stipulations and provisions to be by them respectively observed and performed in manner following (that is to say):—

1. If the said Commissioners shall after being so authorised by Parliament as aforesaid desire to put in force the powers of the said Bill in relation to the said ferry and shall of such desire give notice to the said Bourne owners these presents shall thenceforth operate as a licence or grant to the said Commissioners (so far as the said Bourne owners can lawfully give or make the same) for the term of nine hundred and ninety-nine years to commence from the date of such notice and to be determinable as herein-after mentioned to use by way of easement for the purposes of making constructing maintaining and using for the purposes herein expressed the works specified in the schedule hereto so much of the breakwater foreshore and lands shown on the said map or plan as is edged red and the road (herein-after referred to as the existing road) connecting the shore end of the breakwater with the public road at the point marked × on the said plan.

2. The said Commissioners shall pay to the said Bourne owners for the said licence the rent of five shillings per annum and such rent shall be paid in advance on the day of the commencement of the said licence and on the like day in every subsequent year.

3. The said Commissioners shall and will from the commencement of and during the continuance of this licence at their own expense maintain and keep in good repair and condition to the reasonable satisfaction of the said Bourne owners the existing road.

4. It shall be lawful for the said Commissioners at any time during the continuance of this licence to use the existing road and the said breakwater and any road or way thereon or on any part of the foreshore or lands edged red on the said map or plan as a means of access to and from the ferry between the ferry and the said point marked × on the said plan for foot passengers horses cattle animals carts carriages vehicles and traffic of all kind and for any use of the ferry works authorised by the intended Act and also to alter adapt and enlarge the said breakwater so far as enclosed in the said red edging on the said plan so as to render the same more serviceable for use by them for the purposes aforesaid and to lengthen the same by a similar or other erection to the length

A.D. 1893. indicated on the said plan. Provided that no such alteration adaptation enlargement or lengthening shall interfere with or prejudice the action of the said breakwater so long as maintained as a breakwater by or by the direction of the harbour authority.

5. The user of the existing road hereby granted to the said Commissioners is limited to the purposes herein expressed and these presents shall not be read as giving to any other person or persons or as allowing the said Commissioners to give to any other person or persons any right to use or exercise a right of entry way or passage upon or over the existing road or any part thereof for any purpose other than as herein expressed.

6. This licence shall be determinable at any time by the said Commissioners by their giving notice in writing to the said Bourne owners and on the day mentioned in such notice being not less than six nor more than eighteen calendar months from the giving of such notice this licence shall determine and thereupon all rents and liabilities of the said Commissioners in respect of the said premises shall cease except as regards any rent which has become due and remains unpaid.

7. Notice to the said Bourne owners shall be sufficiently given hereunder if given to the person or persons for the time being entitled to the rent payable under the said licence if it shall have then commenced or if not to the person or persons who would be so entitled if the said licence had commenced and any approval consent submission or other act or thing to be given or done hereunder to or by the said Bourne owners shall be sufficiently given or done if given or done to or by the like person or persons or in case of his her or their disability or infancy if given or done to or by his her or their guardian or guardians or the person or persons having the care or control of his her or their estate or estates.

8. No byelaws or regulations to be made under the provisions of Part IV. of the said Bill shall extend or apply to any foreshore lands or property belonging to the Bourne Estates on the Knot End side of the said ferry and the powers of such Part IV. shall not be deemed or taken to prejudice diminish alter or affect any estates rights titles privileges powers or authorities of the said Bourne owners in or over the foreshore or sands of the Bourne Estates on such Knot End side.

9. These presents are conditional upon the said Bill passing into an Act during the present Session of Parliament and the said Commissioners being thereby authorised to establish and work the said ferry and to make provide and maintain the said works specified in the said schedule hereto and these presents shall be scheduled to the said Bill and shall be confirmed by the same when passed into an Act and declared binding on the said Bourne owners and the said Commissioners but these presents are declared to be subject to such alterations if any as Parliament may think fit to make therein so nevertheless if Parliament think fit to make any material alteration therein it shall be competent to either party to withdraw from the same.

10. The petition of the said parties hereto of the first and second parts against the said Bill shall be withdrawn and the said parties will at the request of the said Commissioners give such information and assistance as can reasonably be required to facilitate the passage of the said Bill and these presents being thereby confirmed and declared binding as aforesaid.

11. Nothing in the said Bill shall be read or construed so as to include any part of the Bourne Estates in the district under the control of the said Commissioners or confer any powers upon the said Commissioners in relation to any part of the Bourne Estates for any purpose but what is confined strictly to the purposes of these presents.

In witness whereof the parties hereto of the first and second parts have hereunto set their hands and seals and the said Commissioners have hereunto affixed their common seal the day and year first above written.

A.D. 1893.

Signed sealed and delivered by the said Harriet
Ann Dyson May-Bourne in the presence
of

J. W. S. MAY-BOURNE
43 Queen's Gate Gardens S.W.
Gentleman.

HARRIET A. D. MAY-BOURNE.

L.S.

Signed sealed and delivered by the said William
Frederic Bourne Brandreth in the presence
of

J. H. THOMAS
Clerk to Messrs. Hedges and Brandreth
9 Red Lion Square W.C. London
Solicitors.

W. F. B. BRANDRETH.

L.S.

Signed sealed and delivered by the said Henry
Hugh Hornby in the presence of

J. HORNBY
Manchester Bldgs. Liverpool
Sharebroker.

H. H. HORNBY.

L.S.

Signed sealed and delivered by the said John
Hughes in the presence of

THOMAS BOOT Solr.
Clerk with Miller Peel Hughes & Co.
Solrs. Liverpool.

J. HUGHES.

L.S.

Passed under the common seal of the Fleetwood
Improvement Commissioners (pursuant to
resolution) by

JAS. F. MARGINSON
Chairman.

in the presence of

J. TILDSLEY
Clerk and Accountant.

L.S.

A.D. 1893.

The SCHEDULE above referred to.

A road or landing-place commencing in the road leading from the Bourne Arms Hotel to the breakwater and foreshore at Knot End at a point ninety-three yards or thereabouts measured along the said road in a north-westerly direction from the said Bourne Arms Hotel and proceeding in a westerly direction for a distance of three hundred and fifty-three yards or thereabouts to and terminating at a point in the River Wyre eighty-six yards or thereabouts measured in a south-westerly direction from the perch on the end of the said breakwater together with all proper necessary and convenient approaches landing stages waiting rooms toll houses gates turnstiles dolphins bridges slipways hoists cranes machinery apparatus works and other conveniences for the purposes of and in connexion with the ferry.

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