



CHAPTER xcii.

An Act for authorising the Mayor, Aldermen, and Burgesses of the borough of Warrington, in the counties of Lancaster and Chester, to construct additional Gasworks; and for making better provision for the Improvement and Government of the borough; and for other purposes.

A.D. 1879.

[3d July 1879.]

WHEREAS the borough of Warrington in the counties of Lancaster and Chester (in this Act called "the borough") is a municipal borough subject to the Acts relating to municipal corporations, and under the government of the mayor, aldermen, and burgesses of the borough (in this Act called "the Corporation"):

And whereas the Corporation by the council of the borough are the sanitary authority for the district of the borough, with the powers and obligations of an urban sanitary authority:

And whereas by the Warrington Improvement and Market Act, 1854, (herein-after called "the Act of 1854,") powers were conferred on the Corporation for the improvement and local government of the borough, which powers are in many respects deficient; and it is expedient that the said Act be amended, and that further powers be conferred on the Corporation for the improvement, local government, and sanitary regulation of the borough:

17 & 18 Vict.
c. viii.

And whereas by the Warrington Corporation Gas Act, 1877, (herein-after called "the Act of 1877,") the Corporation were empowered to purchase the undertaking of the Warrington Gaslight and Coke Company, and to supply gas within the limits of that company's Acts, and to exercise within those limits the powers of that company in relation to the supply of gas:

40 & 41 Vict.
c. xxxiii.

And whereas the Corporation have purchased the said undertaking, and put the other powers conferred by the Act of 1877 into execution, and it is expedient that they be empowered to construct additional gasworks:

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and Improvement Act, 1879.*

A.D. 1879. — And whereas an estimate has been prepared by the Corporation showing that they may require to borrow for the purpose of completing their night-soil depôt (being a permanent work within the meaning of section two hundred and thirty-four of the Public Health Act, 1875) a sum of five thousand pounds :

38 & 39 Vict.
c. 55.

And whereas it is expedient that further borrowing and other powers be conferred on the Corporation, as in this Act provided :

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

And whereas an absolute majority of the whole number of the council of the borough, at a meeting held after ten clear days notice by public advertisement of such meeting, and of the purpose thereof, in a local newspaper published or circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting), resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund :

And whereas such resolution was published twice in the said newspaper, and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council of the borough at a further special meeting held in pursuance of a similar notice, not less than fourteen days after the deposit in Parliament of the Bill for this Act :

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

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

Short title
and con-
struction of
Act.

1. This Act may be cited as the Warrington Corporation Lighting and Improvement Act, 1879, and shall (so far as is consistent with the tenour thereof) be construed together with the Act of 1877 as one Act ; but this Act shall supersede the Act of 1877 in any case where the provisions of the Act of 1877 and of this Act conflict, or where the powers of the Act of 1877 are amended or enlarged by this Act.

Incorpora-
tion of
general Acts.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, (except the provisions of the Lands Clauses Consolidation Act, 1845,

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with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking,) the Gasworks Clauses Act, 1847, (except the provisions of that Act with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit,) the Gasworks Clauses Act, 1871, and the provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners, so far as the provisions of those Acts respectively are applicable for the purposes of and not expressly varied by or inconsistent with the provisions of this Act, are hereby incorporated with and form part of this Act.

A.D. 1879.
8 & 9 Vict.
c. 18.
23 & 24 Vict.
c. 106.
32 & 33 Vict.
c. 18.
10 & 11 Vict.
c. 15.
34 & 35 Vict.
c. 41.
10 & 11 Vict.
c. 16.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in the construction of those Acts for the purposes of this Act, the expressions "the promoters of the undertaking," "the undertakers," and "the Commissioners," respectively therein used, shall mean the Corporation: Provided that the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act, or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Interpretation of terms.

In this Act the following words and expressions have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

The expression "the borough" means the municipal borough of Warrington:

The expression "the Corporation" means the mayor, aldermen, and burgesses of the borough:

The expression "the council" means the council of the borough:

The expressions "the town clerk," "the inspector of nuisances," and "the surveyor" mean respectively the town clerk, the inspector of nuisances, and the surveyor for the time being of the borough:

The expression "the Municipal Corporation Acts" means the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the regulation of Municipal Corporations in England and Wales," and the Acts amending the same, or otherwise relating to municipal corporations in England:

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The expression "the lighting limits" means the limits within which the Corporation are by the Act of 1877, or otherwise for the time being, authorised to supply gas :

The expression "person" includes a corporation :

The expression "quarter sessions" has the same meaning as it has in the Act of 1854 :

The expression "owner," and the expression "court of summary jurisdiction," have respectively the same meanings as they have in the Public Health Act, 1875 :

The expression "justice" means a justice of the peace of the borough.

Act to be
executed by
the Corpora-
tion.

4. This Act shall be carried into execution by the Corporation acting by the council, and according to the Municipal Corporation Acts, Public Health Acts, and other laws for the time being affecting the Corporation, and with all the rights, powers, privileges, and authorities conferred by those Acts and laws on the Corporation, and on the council and committees of the council, and the officers, agents, and servants of the Corporation, with respect to matters provided for by or comprised in those Acts and laws, and as nearly as may be in all respects as if the powers, duties, and property vested in, imposed on, or enjoyed by the Corporation by or under this Act were vested in, imposed on, or enjoyed by them by or under those Acts and laws respectively.

GAS.

Power to
construct
additional
gasworks.

5. The Corporation may acquire by agreement the lands described in the First Schedule to this Act, and may on those lands, or on any part thereof, from time to time construct, maintain, alter, enlarge, extend, and renew or discontinue gasworks, buildings, retorts, gas-holders, receivers, purifiers, meters, apparatus, works, and conveniences for the manufacture and storing of gas, and coke and other residual products employed in or obtained from the manufacture of gas and matters producible therefrom, and may make and store gas, coke, tar, pitch, asphaltum, ammoniacal liquor, and all other products of any materials employed in or resulting from the manufacture of gas and matters producible therefrom.

Power to
supply gas
for heating
purposes.

6. The Corporation may, on the request of the owner or occupier of any premises within the lighting limits, give and continue to give a supply of gas for heating purposes on such premises, and may manufacture, furnish, sell, let, and lay any pipes, stoves, apparatus, fittings, or conveniences for the purposes of this section on such terms and conditions in all respects as may be agreed on between the Corporation and such owner or occupier as aforesaid.

7. The Corporation may acquire, hold, and use patent rights and licenses or authorities (not being in any case exclusive) for the use of any invention, machine, or process relative to the manufacture, production, generation, utilization, or distribution of gas, or of any materials or residual products resulting therefrom.

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Power to hold licenses under patent rights.

REGULATION OF BUILDINGS AND OTHER MATTERS.

8. Where the external wall or front of any building abuts on any street within the borough, and it is proposed to pull down and re-erect or to alter such wall or front to the extent of not less than one half thereof (either vertically or horizontally, or partly vertically and partly horizontally), it shall be the duty of the owner, occupier, or other person proposing to re-erect or to alter such wall or front to give written notice of his intention, accompanied by a plan showing the line of the intended work, with a short description thereof, to the surveyor.

Regulation of line of buildings.

The Corporation may by written notice, under the hand of the surveyor or such other officer as they may appoint, either approve the line of the intended work as shown and described, or may prescribe such other line for the same as they see fit; but if the Corporation do not within one month after receipt of such notice and plan and description prescribe a line other than that shown and described, the same shall be deemed to be approved by the Corporation.

Any owner, occupier, or other person who commences or continues to re-erect or to alter any such wall or front as aforesaid to the extent of not less than one half thereof (either vertically or horizontally, or partly vertically and partly horizontally) without having given such notice (with plan and description) as is by this section required, or contrary to the line (if any) prescribed by the Corporation, within such period as aforesaid, shall be liable to a penalty not exceeding ten pounds, and the Corporation may enter and pull down any work commenced or continued in contravention of the provisions of this section.

9. Where the wall or front of any building is set back in pursuance of the provisions of this Act, any land thereby gained to the street on which such wall or front abuts shall thenceforth be deemed to be and shall be maintained as part of such street.

Land gained to be part of street.

10. The Corporation shall pay or tender compensation to the owner or other person who has sustained loss, damage, or expense by reason of any such wall or front as aforesaid being set back or forward by direction of the Corporation, and the amount of such compensation shall in case of dispute be settled by arbitration in manner provided by the Public Health Act, 1875.

Compensation for damage.

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Certificate
required
before occu-
pation of
new building.

11. It shall not be lawful to let or (being the owner) to occupy as a dwelling-house any building not so used before the passing of this Act (in this section referred to as a new building) until such building has been certified by the surveyor or other officer appointed for the purpose to be as to drainage and in every other respect fit for human habitation, and to be constructed and completed in conformity with the byelaws of the Corporation for the time being in force; it shall be the duty of the surveyor or such other officer, within fourteen days after receiving a written request to inspect any new building, to inspect the same, and if he refuses a certificate, to state in writing his grounds for such refusal; and if the surveyor or such other officer fails with respect to any new building to comply with the foregoing provisions, nothing in this section shall prevent such building being so used as a dwelling-house.

Any person aggrieved by the refusal of a certificate under this section may appeal against such refusal to a court of summary jurisdiction, and the court shall, as soon as conveniently may be, hear and determine the appeal, and may make such order as to costs as it thinks just.

Any person who lets or (being the owner) occupies as a dwelling-house any new building before the same is certified under this section (except in case of such failure of the surveyor or other officer as is herein-before mentioned) shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding forty shillings in respect of each day during which such building continues so occupied contrary to the provisions of this section.

Provision as
to con-
formity of
old buildings
with bye-
laws.

12. Where the Corporation are of opinion that it is desirable that any alteration or improvement should be effected in or with respect to any building erected in the borough before the Local Government Acts (as defined by the Public Health Act, 1875) came into force in the borough, so as to bring the same into conformity with any byelaw made by the Corporation under section 157 of the said Public Health Act, they may agree with the owner of such building to execute such alteration or improvement, and may pay him in respect of any expenses, loss, or damage incurred by him in executing or by reason of the execution of such alteration or improvement such compensation as may be agreed on.

Conversion
of privies
and ashpits.

13. Where any privy or ashpit is certified by the medical officer of health of the borough to be prejudicial to health, or to be in a filthy or unwholesome condition, or an annoyance to the public or neighbourhood, or to be so situate that the removal of refuse therefrom is prejudicial to health or an annoyance to the public or the

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neighbourhood, the Corporation may by written notice require the owner of the same within a reasonable time to alter or replace such privy or ashpit, according to the system known as the pail system, or according to such other system as they may approve.

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The owner may, within fourteen days after service of such notice, and after giving to the Corporation at least seven days written notice of his intention, apply to a court of summary jurisdiction for an order quashing such notice, on the ground that the certificate is incorrect in fact, and the court may by order quash the notice on that but on no other ground, or may refuse the application, and may make such order as to costs as it may see fit.

If the owner fails to comply with the requisition of the notice (unless quashed as aforesaid), or cannot be found, the Corporation may do the work required to be done, and may recover the expense thereof from the owner as private improvement expenses: Provided that where a privy or privies is or are used in common by the occupiers of premises belonging to several owners, the Corporation may apportion the expenses incurred by them in the execution of this section among such owners: Provided further, that the Corporation may in any case, if they think fit, bear the whole or a portion of the expense of doing the required work.

14. For the purpose of enabling the Corporation more effectually to enforce the provision of privy accommodation under the powers of the Public Health Act, 1875, or the conversion of privies and ashpits under this Act, the Corporation may from time to time, by agreement, acquire any land or building, and remove or alter any building and execute all necessary works, and may recover the expenses incurred by them in the execution of this section from the owner or owners of any premises benefited thereby, and may if they think just apportion such expenses among several owners: Provided that if any owner deems himself aggrieved by the decision of the Corporation as to the amount of such expenses or the apportionment thereof, he may appeal to the Local Government Board under the provisions of section two hundred and sixty-eight of the Public Health Act, 1875.

Powers for enforcing provision of privy accommodation and for conversion of privies.

15. The Corporation, for the purpose of opening a close or ill-ventilated court or other place, may from time to time take by agreement any building in the borough and remove the same, and execute all necessary works, making compensation to owners and occupiers for any injury sustained by them by reason or in consequence of the execution of the powers of this section.

Opening of ill-ventilated courts.

16. Where any court or yard appurtenant to any dwelling-house in the borough is certified by the surveyor or inspector of nuisances

Paving of courts and yards.

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A.D. 1879. to be in a filthy or unwholesome condition, by reason of the same not being paved or being imperfectly paved, the Corporation may, by written notice, require the owner thereof, within a reasonable time to pave the same with stone, asphalte, or other material approved by the Corporation.

If the owner fails to comply with the requisition, the Corporation may apply to a court of summary jurisdiction (giving to such owner at least seven days written notice of their intention to make such application) for an order requiring such owner to comply with the requisition of the notice, and the court may either make such order with or without modifications or may decline to make an order, as it may think fit.

If the owner fails within twenty-one days to comply with an order made under this section, he shall be liable to a penalty not exceeding five pounds, and the court may, if it thinks fit, make a further order authorising the Corporation to execute the requirements of the first order, and to recover the expenses thereof from the owner as private improvement expenses.

CONSOLIDATION OF DRAINAGE DISTRICTS.

Separate
drainage
districts con-
solidated.
10 & 11 Vict.
c. 24.

17. Whereas under the provisions of the Towns Improvement Clauses Act, 1847, incorporated with the Act of 1854, the borough is divided into the separate drainage districts mentioned in the Second Schedule to this Act, and in each of such districts sewers rates are levied for the discharge of moneys borrowed for sewerage works, and for maintaining and cleaning the sewers therein; and it is expedient that the said districts be consolidated, and that the moneys borrowed be charged on general sewers rates to be levied throughout the whole borough: Be it enacted, that (notwithstanding anything in the Act of 1854 or the said Towns Improvement Clauses Act) the said districts shall, as from the passing of this Act, be consolidated, and all moneys borrowed before the passing of this Act on the security of any sewers rates leviable in the borough shall be charged on general sewers rates to be levied under the Act of 1854 and the said Towns Improvement Clauses Act throughout the whole borough, and the lenders of any such moneys shall have the like rights, remedies, and priorities as they would have had if such moneys had been originally secured on such rates.

Expenses of
sewers
thrown on
general
sewers rates.

18. After the passing of this Act special sewers rates shall not be made or levied in the borough, but all the expenses of making, maintaining, and cleaning sewers and otherwise in relation to sewers in the borough shall be defrayed out of general sewers rates to be levied under the Act of 1854 and the said Towns

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Improvement Clauses Act, or (as regards making sewers) out of moneys borrowed on the security thereof: Provided that all arrears of special or general sewers rates made before the passing of this Act may be collected, levied, and recovered as if this Act had not been passed. A.D. 1879.

LANDS.

19. For the purposes of their night-soil depôt the Corporation may (in addition to any lands which they are otherwise authorised to acquire under this Act) from time to time acquire by agreement any land not exceeding in the whole two acres, or any easement, power, or privilege therein, thereunder, thereover, or thereupon (not being an easement or privilege of water). Power to acquire additional lands by agreement.

The consideration for any such acquisition may be either in money or in land, or partly in money and partly in land, or by way of rentcharge or other annual payment, and on any exchange the Corporation may give or take any money for equality of exchange.

20. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Corporation any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively. Power to take easements, &c. by agreement.

21. Notwithstanding anything in the Lands Clauses Consolidation Act, 1845, the Corporation may retain, hold, and use, for such time as they think fit, and may from time to time sell, lease, exchange, or otherwise dispose of, in such manner, for such consideration, and on such terms and conditions as they think fit, any lands or any interest in any lands acquired by them under this Act, and may make, execute, and do any deed, act, or thing proper for effectuating any such sale, lease, exchange, or other disposition. Power to retain, sell, &c. lands.

22. The proceeds of the sale of any lands of the Corporation under the powers of this Act shall be applied only in discharge of any moneys for the time being owing by the Corporation, or to purposes to which borrowed moneys are for the time being applicable by the Corporation. Application of proceeds of sale of lands.

INFECTIOUS DISEASES.

23. In order to secure that due notice be given to the Corporation of any inmate of any building used for human habitation who is suffering from small-pox, cholera, scarlatina, diphtheria, typhus Notice to be given of persons suffering from infectious diseases.

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A.D. 1879. fever, enteric or typhoid fever, relapsing fever, or puerperal fever,
the following provisions shall have effect; (that is to say,)

- (1.) If any such inmate be suffering from any such disease as aforesaid, the occupier or person having the control or charge of such building shall, so soon as he shall become aware of the existence in any such inmate of any such disease, forthwith give notice to the Corporation at the Town Hall of the existence in such inmate of such disease; and if such inmate be not a member of the family of such occupier or person, the head of the family (resident in such building) to which such inmate belongs, or if there be no such head then such inmate (unless prevented by reason of such disease or of youth), shall, on becoming aware of the existence in such inmate or in his own person, as the case may be, of such disease, forthwith give notice thereof to such occupier or person:
- (2.) The Corporation shall provide and supply gratuitously to every legally qualified medical practitioner resident or practising in the borough forms for the certificate or declaration by such medical practitioner of the particulars herein-after mentioned in relation to such cases, in the form set forth in the Third Schedule to this Act, or to the like effect:
- (3.) Every medical practitioner attending on or called in to visit such inmate shall, on becoming aware that such inmate is suffering from any such disease as aforesaid, forthwith fill up, sign, and send to the Corporation at the Town Hall a certificate or declaration, stating, according to the form supplied by the Corporation, the name of such inmate, the situation of such building, and the name of such occupier or person, and the nature of the disease from which such inmate is suffering:
- (4.) The Corporation shall pay to every medical practitioner who shall, in pursuance of this section, duly make and give any such certificate or declaration, a fee of two shillings and sixpence for each such certificate or declaration:
- (5.) The Corporation may from time to time (with the sanction of the Local Government Board) by order declare that this section shall apply either temporarily or permanently in the case of any contagious or infectious disease specified in such order, and this section shall apply accordingly: Provided that every such order shall be published by the Corporation in such manner as they think best adapted

to bring it to the knowledge of the inhabitants of the borough. A.D. 1879.

Any person who offends against any of the foregoing enactments (unless ignorant thereof, the burden of the proof of which shall be on him) shall be liable to a penalty not exceeding five pounds, and for a second or any subsequent offence to a penalty not exceeding ten pounds.

24. Where the Corporation are of opinion, on the certificate of their medical officer of health, or of any other legally qualified medical practitioner, that the cleansing and disinfecting of any house or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease, and that such cleansing and disinfecting would more effectually be carried out by the Corporation than by the owner or occupier of such house or part thereof, the Corporation may, without requiring such owner or occupier to carry out such cleansing and disinfection as aforesaid, themselves cleanse and disinfect such house or part thereof and articles, and may for that purpose remove any such articles, and may recover the expenses incurred by them in the execution of this section from such owner or occupier, or may, if they see fit, themselves defray such expenses, or any part thereof.

Further powers in relation to disinfection of premises.

25. Whereas the Corporation have provided within the borough a suitable hospital for the reception, treatment, and isolation of persons suffering from dangerous infectious diseases, and it is expedient to make further provisions for removal thereto of persons so suffering: Be it enacted, that on the certificate of the medical officer of health of the borough, or other legally qualified medical practitioner, that any person within the borough is suffering from small-pox, cholera, scarlatina, diphtheria, typhus fever, enteric or typhoid fever, relapsing fever, puerperal fever, or any other dangerous infectious disease, and is without proper lodging or accommodation enabling the case to be properly isolated, so as to prevent the spread of the disease, or to be properly treated, the Corporation may give notice to the head of the family (resident in the same building) to which the person so suffering belongs, requiring the removal forthwith of such person to such hospital as aforesaid: Provided that if there is no such head of the family, or if such head of the family is absent from the borough or cannot be found, such notice may be given to the person so suffering.

Further powers for removal to hospital of infected person.

If the person to whom such notice is given consents, the Corporation may forthwith remove the person so suffering to such hospital as aforesaid; but if the person to whom such notice is given refuses to consent to such removal or to be removed, or is by

A.D. 1879. reason of age, disease, or otherwise incapable of giving such consent, any justice may, on the application of the Corporation, make an order for the removal of the person so suffering to such hospital as aforesaid. Such order may be addressed to an officer of the Corporation or to any constable of the borough, and any person who disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding twenty shillings for every day during which such disobedience or obstruction continues.

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

MARINE STORE DEALERS.

Power to
license
dealers in
marine
stores.

26. The Corporation may from time to time grant to every such person as they think fit a license to carry on the business of a dealer in marine stores, and may charge a fee not exceeding five shillings for any such license for twelve months, and in the like proportion for any shorter or longer period.

For the purposes of this Act the term "marine store dealer" shall mean a person dealing in, buying, and selling anchors, cables, sails, or old junk, old iron, metal, scrap metal, broken metal, or partly manufactured metal goods, or defaced or old metal goods, or rags and bones, or marine stores of any description.

Power to
make bye-
laws as to
dealers in
marine
stores.

27. With respect to such dealers and their licenses, the Corporation may from time to time make byelaws for all or any of the following purposes; namely,

For regulating the applications for such licenses, and the form and contents and signature thereof, and the registration thereof, and of matters relative thereto;

For regulating the duration of every such license, and providing for the suspension or revocation thereof by the Corporation;

For requiring every person so licensed to keep exhibited outside his place of business his name and occupation and any other particulars;

For requiring every person so licensed to give notice to the Corporation in case of his changing his place of abode, or his place of carrying on his business to a different building;

For requiring every person so licensed to enter in a book the description and the price of every article purchased or acquired

by him in the course of his business, and the name, address, and occupation of the person from whom the same is purchased or otherwise acquired, and any other particulars, and for securing free access to every such book to the Corporation, their officers and servants, and persons authorised by the Corporation to inspect the same. A.D. 1879.

28. Any such license may be suspended or revoked by any justice before whom the person licensed is convicted of any offence, making it in the opinion of such justice expedient that such license should be suspended or revoked. Licenses may be suspended or revoked.

29. If any person after the expiration of one month from the passing of this Act carries on while unlicensed the business of such a dealer as aforesaid, he shall be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding forty shillings for every day during which such offence continues. Penalty on persons carrying on business without license.

30. Nothing in this Act with respect to such dealers shall affect persons carrying on the business of pawnbrokers, being duly licensed for that purpose. Saving for pawnbrokers.

FINANCIAL.

31. The Corporation may from time to time (with the consent of the Local Government Board) borrow for the gas purposes of the Act of 1877 and this Act sums not exceeding in the whole twenty thousand pounds, and for the completion of their night-soil depôt (which shall be deemed a purpose of the Act of 1854) the Corporation may from time to time borrow sums not exceeding in the whole five thousand pounds. Power to borrow.

32. For securing repayment of the sums borrowed under this Act, with interest thereon, the Corporation may from time to time (as regards moneys borrowed for gas purposes) mortgage their borough fund and the revenue of their gas undertaking, and (as regards moneys borrowed for the completion of their night-soil depôt) may mortgage the improvement rate leviable under the Act of 1854, and the Corporation after having paid off otherwise than by instalments or by a sinking fund any sums so secured may re-borrow the amount so paid off, and so that from time to time all moneys so re-borrowed shall be repaid within the same period as the moneys originally borrowed were required to be repaid. Power to mortgage for securing sums borrowed.

33. The provisions of the Commissioners Clauses Act, 1847, with respect to mortgages to be executed by the Commissioners, shall apply to the mortgages to be executed by the Corporation under this Act: Provided that the Corporation shall pay off the Application of 10 & 11 Vict. c. 16. to mortgages.

A.D. 1879.

moneys thereby secured by equal yearly or half-yearly instalments of principal, or of principal and interest, or by a sinking fund, within a period not exceeding fifty years from the date of borrowing the same; and if the Corporation form a sinking fund they shall pay into such fund such equal yearly or half-yearly sums as, being invested in any securities in which trustees are for the time being authorised by law to invest trust moneys, and accumulated at compound interest, would be sufficient to pay off the moneys borrowed within a period not exceeding fifty years from the date of borrowing the same: Provided further, that the Corporation may at any time apply the whole or any part of any sinking fund created under this Act in or towards the discharge of the moneys, or any part of the moneys, for the discharge of which the fund was created: Provided always, that whenever any of such principal moneys have been so paid off, the Corporation shall thenceforward, until the whole of such principal moneys have been paid off, pay into the sinking fund every year, in addition to the other sums herein-before required to be set apart and appropriated, a sum equal to the annual interest of the principal money so paid off: Provided further, that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the principal moneys then due and outstanding, the Corporation may, in lieu of investing the said yearly income, apply the same in payment of such interest, and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

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

34. The Corporation, if they think fit, in lieu of borrowing on the security of mortgages as herein-before provided, may borrow the moneys which they are by this Act authorised to borrow, or any part thereof, under the powers and subject to the provisions of the Local Loans Act, 1875, by means of a loan or loans to be raised by the issue of debentures, debenture stock, or annuity certificates, or partly in one way and partly in another.

Any moneys borrowed in manner by this section authorised for the gas purposes of the Act of 1877 and this Act may be charged by the Corporation on the borough fund, and on the revenue of their gas undertaking, and any moneys borrowed for the completion of the night-soil depôt may be charged on the improvement rate leviable under the Act of 1854; and such rates or revenue shall be the local rate within the meaning and for the purposes of the Local Loans Act, 1875.

Any moneys re-borrowed under the powers of the Local Loans Act, 1875, shall be repaid within the period prescribed for the repayment of the moneys in lieu of which they are borrowed, and the moneys

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originally borrowed and any moneys so re-borrowed shall for the purposes of sections fourteen and fifteen of the Local Loans Act, 1875, be deemed to form the same loan. A.D. 1879.

Every such loan shall be discharged within fifty years from the date of the same, and such discharge or any part thereof may be effected by means of a sinking fund if the Corporation so think fit, and if the Corporation at any time think fit to form any such sinking fund all sums paid into the same shall, as soon as may be, be invested by the Corporation in any manner in which trustees are by law for the time being authorised to invest trust moneys.

35. All mortgages granted by the Corporation, subsisting at the passing of this Act, shall during their continuance have priority of charge on the security therein comprised over all mortgages, debentures, debenture stock, and annuity certificates granted or issued in exercise of the borrowing powers conferred by this Act. Priority of existing mortgages.

36. All debenture stock created and issued by the Corporation under this Act shall be called Warrington Corporation Debenture Stock, with the addition (if the Corporation think fit) of any words or figures indicating the date of issue of any such stock or the rate of interest payable in respect thereof. Title of debenture stock.

37. The treasurer of the borough 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 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 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 purpose to which any portion of the moneys invested for the sinking fund and the interest thereof has 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 treasurer shall be liable to a penalty not exceeding twenty pounds. Annual return to Local Government Board with respect to sinking fund.

If it appears to the Local Government Board by such return or otherwise that the Corporation have failed to set apart the sum required by this Act for any 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 has 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

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and Improvement Act, 1879.*

A.D. 1879. by the Local Government Board out of the High Court of Justice,
and the provisions of this section shall, mutatis mutandis, apply to
instalments.

GENERAL PROVISIONS.

Form of
notices, &c.
by Corpo-
ration.

38. Any notice, order, resolution, declaration, requisition, demand, or other document made, given, delivered, or served under this or any other Act, or under any byelaw made by the Corporation, may be either in print or writing, or partly in print and partly in writing, and shall be sufficiently authenticated by the signature of the town clerk or of the surveyor, or other proper officer, according to the subject of the particular document; and in this section "print" includes lithograph.

Service of
notices.

39. Where any notice, order, resolution, declaration, requisition, demand, or other document is required to be given or served under this Act to or on the owner or occupier of any premises, it shall be sufficient to address such notice or other document to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which the notice or other document is given or served, without further name or description.

Any notice or other document required to be served under this Act may be served by delivering the same to or at the residence of the person to whom the same is addressed, or, where addressed to the owner or occupier of premises, by delivering the same, or a true copy thereof, to some person on the premises, or if there is no person on the premises who can be so served, then by fixing the same on some conspicuous part of the premises; moreover, any such notice or other document may be served by post by a prepaid letter, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service it shall be sufficient to prove that the letter was properly addressed and put into the post.

Application
of provisions
of 38 & 39
Vict. c. 55.
as to bye-
laws.

40. The following provisions of the Public Health Act, 1875, shall apply to all byelaws which the Corporation are by this Act authorised to make; (that is to say,)

- Section 182 (Authentication and alteration of byelaws);
- Section 183 (Power to impose penalties on breach of byelaws);
- Section 184 (Confirmation of byelaws);
- Section 185 (Byelaws to be printed, &c.); and
- Section 186 (Evidence of byelaws).

Rates appli-
cable to

41. Any expenses incurred by the Corporation in the execution of this Act, which are not otherwise provided for, may be defrayed

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by the Corporation as expenses incurred by them in the execution of the Act of 1854, or of the Public Health Act, 1875. A.D. 1879.

42. All offences, penalties, forfeitures, costs, and expenses under the Act of 1854 or this Act, or any byelaw made under either of those Acts, may (unless their prosecution or recovery is otherwise expressly provided for) be prosecuted and recovered before a court of summary jurisdiction in manner provided by the Public Health Act, 1875, and with such right of appeal to quarter sessions as is provided by that Act. All penalties so recovered shall be paid to the borough treasurer. expenses of execution of Act. Summary proceedings for offences, penalties, &c.

43. The Corporation may either recover summarily in manner by this Act provided from any owner any sum payable by him as private improvement expenses, or as his proportion thereof under this Act, or may by order declare such private improvement expenses or proportion to be payable by equal annual instalments of such amount as will discharge the principal, with interest thereon at a rate not exceeding five pounds per centum per annum, within a period not exceeding thirty years, until the whole amount is paid in manner provided by section two hundred and fifty-seven of the Public Health Act, 1875, and all the provisions of that section shall apply accordingly. Provision as to recovery of private improvement expenses.

44. The following provisions shall take effect for the protection of and with respect to the London and North-western Railway Company (in this section referred to as "the Company"); namely, For protection of London and North-western Railway Company. 34 & 35 Vict. c. liii.

1. Section 38 of the Warrington Gas Act, 1871, (as to works affecting the London and North-western Railway Company,) shall apply to any mains, pipes, or other works laid down, constructed, or executed in carrying this Act into execution as fully as if the same were re-enacted in this Act for the protection and benefit of the Company with reference thereto :

2. The provisions contained in sections 13 and 17 of this Act shall not apply to any building other than a dwelling-house, whether already or hereafter erected by any railway company and used for the purposes of their business.

45. Any sewers, drains, culverts, gas mains, pipes, or other works which the Corporation may lay down or execute under or over or which may affect any railway or works belonging to the Cheshire Lines Committee (in this section called "the Committee"), shall be so laid down and executed and subsequently maintained and repaired under the direction and superintendence and to the For protection of Cheshire Lines Committee.

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and Improvement Act, 1879.*

A.D. 1879. — reasonable satisfaction of the engineer for the time being of the Committee, and in accordance with plans, sections, and specifications to be from time to time approved by such engineer and the engineer of the Corporation, or in the event of difference by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party.

Saving rights
of the
Bridgewater
and Elles-
mere trus-
tees.

46. Save as is herein expressly mentioned, nothing in this Act contained shall extend or be construed or deemed to extend to extinguish, abridge, interrupt, prejudice, or affect any of the rights, powers, privileges, or authorities of the trustees under the wills of the late Duke of Bridgewater and late Earl of Ellesmere.

Powers of
Act to be
cumulative.

47. All powers given by this Act to the Corporation shall be deemed to be in addition to and not in derogation of any other powers conferred on them by any other Act of Parliament, law, or custom, and such other powers may be exercised as if this Act had not been passed.

Expenses of
Act.

48. 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 shall be paid by the Corporation out of the borough fund and borough rate, and such costs shall include the costs incurred by the Corporation in complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter ninety-one, with respect to the Bill for this Act, and all matters relating thereto, as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons: Provided that nothing in this Act contained shall be construed to exempt such costs, charges, and expenses from the operation of the sixth section of the same Act.

SCHEDULES to which the foregoing Act refers.

A.D. 1879.

FIRST SCHEDULE.

GAS LANDS.

All that piece of land containing sixteen acres or thereabouts, situate in the township of Warrington and parish of Warrington, in the county of Lancaster, bounded by an imaginary line commencing on the eastern side of the line of railway and lands belonging or reputed to belong to the London and North-western Railway Company, at a point about six hundred and thirty-eight feet northward from the centre of the eastern end of the new bridge by which the road recently made from Kerfoot Street is carried over the line of the London and North-western Railway Company in lieu of the level crossing, and proceeding from such point along the said eastern side of the said line and lands in a northward direction for a distance of nine hundred and fifty-three feet or thereabouts; thence in a south-easterly direction along the south-western side of certain lands belonging or reputed to belong to the said Railway Company for a distance of two hundred and sixty-seven feet or thereabouts; thence in a southerly direction for a distance of eighteen feet or thereabouts; thence in an easterly direction along the south side of a strip of land belonging or reputed to belong to Colonel John Ireland Blackburne (and intended to form the site of a road) for a distance of eight hundred and ninety feet or thereabouts; thence in a southerly direction for a distance of two hundred and forty feet or thereabouts; thence in an easterly direction for a distance of ninety-eight feet or thereabouts; thence in a southerly direction for a distance of thirty-six feet or thereabouts; thence in a westerly direction for a distance of ninety-eight feet or thereabouts; thence in a southerly direction for a distance of three hundred and thirty-three feet or thereabouts; thence in a westerly direction (partly along the northern side of certain other land belonging or reputed to belong to the said Colonel John Ireland Blackburne, and partly along the northern side of certain land occupied by the Longford Wire, Iron, and Steel Company, Limited) for a distance of nine hundred and forty-four feet six inches or thereabouts to the herein-before described point of commencement of the said imaginary line.

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SECOND SCHEDULE.

DESCRIPTION OF DRAINAGE DISTRICTS.

Name of District.	Amount of outstanding Sewerage Debt.	Amount in the Pound of last Sewers Rate.
Central Drainage District -	£15,000 -	Twopence.
Bank Quay Drainage District -	£6,900 -	Sixpence.
Howley Drainage District -	£1,900 -	Fourpence.
North Drainage District -	£6,300 -	Tenpence.
Latchford Drainage District -	£1,200 -	One penny.

THIRD SCHEDULE.

WARRINGTON CORPORATION LIGHTING AND IMPROVEMENT ACT, 1879.

CERTIFICATE OF CONTAGIOUS OR INFECTIOUS DISEASE.

To the Corporation of the Borough of Warrington.

Pursuant to the above-mentioned Act, I hereby certify and declare that, in my opinion, the under-mentioned person is suffering from (*here specify the disease*).

Dated the day of 18 .

(Signed)

Name of person suffering from the }
disease - - - - - }

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

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

NOTE.—This certificate must (under a penalty in case of neglect) be forth-
with sent by post or otherwise to the Corporation at the Town Hall. It
should be addressed to the medical officer of health, and marked outside
“Immediate.”