



CHAPTER clxxxii.

An Act to empower the Mayor Aldermen and Burgesses of the Borough of Wigan to construct additional Tramways and to make better provision in relation to the health local government and improvement of the borough and for other purposes. A.D. 1893.
[27th July 1893.]

WHEREAS the borough of Wigan in the county palatine of Lancaster is a municipal borough under the government of the mayor aldermen and burgesses of the borough (in this Act called the Corporation) and the Corporation acting by the council are the urban sanitary authority for the district of the borough and the borough is a county borough within the meaning of the Local Government Act 1888 :

And whereas by the Wigan Tramways Order 1879 (confirmed by the Tramways Orders Confirmation Act 1879 and in this Act called the Order of 1879) and the Wigan Tramways Order 1884 (confirmed by the Tramways Orders Confirmation (No. 2) Act 1884 and in this Act called the Order of 1884) the Wigan Tramways Company Limited were empowered to construct and maintain certain tramways in the borough and neighbourhood in the county of Lancaster :

And whereas the tramways of the said company are now vested in the Corporation and it is expedient that they be authorised to construct and maintain the additional tramways herein-after described and to acquire land for the purpose of widening a certain street along which the additional tramways are authorised to be laid :

And whereas the Corporation have no power to work the tramways vested in them and it is expedient that they should be authorised to work their tramways in the events and subject to the conditions mentioned in this Act :

And whereas the Corporation are or claim to be entitled to the franchise of holding markets and fairs in the borough and it is

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And whereas it is expedient that better provision shall be made with reference to streets and buildings within the borough and to the prevention of the spread of infectious diseases and that the powers of the Corporation in relation to the health local government and improvement of the borough shall be enlarged as by this Act provided :

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book 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 palatine of Lancaster and are herein-after respectively referred to as the deposited plans sections and book of reference :

And whereas estimates have been prepared by the Corporation for the purchase of land for street improvements and for the execution of the works by this Act authorised and those estimates amount to thirty thousand pounds and the same are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the council at a meeting held on the fourteenth day of November one thousand eight hundred and ninety-two after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the *Wigan Observer* 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 one-half of the expense in relation to promoting the Bill for this Act should be charged on the borough fund and rate and the other half on the district fund and general district rate :

And whereas such resolution was published twice in the said *Wigan Observer* 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 at a further special meeting held in pursuance of a similar notice on the second day of February one thousand eight hundred and ninety-three being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the third schedule of the

Public Health Act 1875 consented to the promotion of the Bill for this Act: A.D. 1893.

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):—

Preliminary.

1. This Act may be cited as the Wigan Corporation Act 1893.

Short title.

2. The following Acts or parts of Acts (that is to say):—

The Lands Clauses Acts;

Section 3 (interpretation of terms) section 19 (local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870;

Incorporation of general Acts.

so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with this Act.

3. In this Act the following words and expressions have the meanings hereby assigned to them unless the subject or context otherwise requires:—

Interpretation.

“The borough” means the municipal borough of Wigan;

“The Corporation” means the mayor aldermen and burgesses of the borough;

“The council” means the council of the borough;

“The town clerk” “the treasurer” “the surveyor” and “the medical officer of health” mean respectively the town clerk treasurer surveyor and medical officer of health of the borough;

“Dairyman” means any cowkeeper purveyor of milk or occupier of a dairy milk store or milk shop;

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

“Daily penalty” means a penalty for each day on which any offence is continued after conviction thereof;

“Infectious disease” has the same meaning as in the Provisional Order relating to the borough confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1883;

“The tramways” means the tramways by this Act authorised:

A.D. 1893. Words and expressions to which meanings are assigned by the Public Health Act 1875 have in this Act the same respective meanings:

Provided that the expression "superior courts" or "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute.

Execution
of Act.

4. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council with all the powers privileges duties and obligations of the Corporation as a municipal authority and as an urban sanitary authority respectively and section 265 of the Public Health Act 1875 shall apply to the provisions of this Act and this Act shall unless otherwise expressed or implied apply only to the borough.

Tramways.

Power to
make tram-
ways.

5. Subject to the provisions of this Act the Corporation may make form lay down and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates sleepers junctions turntables turn-overs crossings passing-places stables carriage-houses sheds buildings works and conveniences connected therewith (that is to say):—

Tramway No. 1 (2 miles 1·50 chains in length whereof 1 mile 6 furlongs 1·50 chains are single line and 2 furlongs are double line) situate in the townships of Wigan Ince-in-Makerfield and Hindley commencing in Darlington Street by a junction with Tramway No. 7 authorised by the Order of 1879 at a point ·70 of a chain west of the junction of Darlington Street with Warrington Lane thence passing along Warrington Lane Warrington Road and Walthew Lane and terminating in the last-mentioned lane at a point opposite to the south-east corner of Platt Bridge Inn 1 mile 4 furlongs 3·5 chains of which are situate beyond the borough in the township of Ince-in-Makerfield and 2 furlongs 3 chains also beyond the borough in the township of Hindley;

Tramway No. 2 (a single line 2 chains in length) wholly situate in the township of Hindley beyond the borough commencing in Walthew Lane by a junction with Tramway No. 1 by this Act authorised at a point ·80 of a chain north of the junction of Stony Lane with Walthew Lane thence passing into and terminating in Stony Lane at a point 1·80 chains east of its junction with Walthew Lane;

Tramway No. 3 (a single line 1·70 chains in length) wholly situate in the township of Hindley beyond the borough commencing in Stony Lane by a junction with Tramway No. 2 by this Act authorised at a point 1 chain east of the junction of Stony Lane with Walthew Lane thence passing into and terminating in Walthew Lane by a junction with Tramway No. 1 by this Act authorised at a point ·90 of a chain south of the junction of Walthew Lane with Stony Lane ;

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Tramway No. 4 (1 mile 5 furlongs 6 chains in length whereof 1 mile 3 furlongs 6 chains are single line and 2 furlongs are double line) wholly situate in the township of Wigan commencing in Market Street by a junction with Tramway No. 3A authorised by the Order of 1879 at a point 1·30 chains north of Church Gates thence passing along Market Street New Market Street Frog Lane and Woodhouse Lane and terminating in the last-mentioned lane at a point 1·70 chains north-west of its junction with Holcroft Street ;

Tramway No. 5 (a single line 1·75 chains in length) wholly situate in the township of Wigan commencing in Woodhouse Lane by a junction with Tramway No. 4 by this Act authorised at a point ·80 of a chain south-east of the junction of Woodhouse Lane with Holcroft Street thence passing into and terminating in Holcroft Street at a point 1·35 chains north of its junction with Woodhouse Lane ;

Tramway No. 6 (a single line ·83 of a chain in length) wholly situate in the township of Wigan commencing in Holcroft Street by a junction with Tramway No. 5 by this Act authorised at a point ·40 of a chain north of the junction of Holcroft Street with Woodhouse Lane thence passing into and terminating in Woodhouse Lane by a junction with Tramway No. 4 by this Act authorised at a point ·60 of a chain north-west of the junction of Woodhouse Lane with Holcroft Street ;

Tramway No. 7 (a single line 7·85 chains in length) wholly situate in the township of Wigan commencing in King Street by a junction with Tramway No. 7 authorised by the Order of 1879 at a point opposite to the south-west corner of the Borough Courts thence passing along Rodney Street crossing Millgate and terminating by a junction with Tramway No. 14 authorised by the Order of 1884 in the new road leading from Millgate to Market Place at a point ·60 of a chain measured in a westerly direction from the south-west corner of the Horse Shoe Hotel :

Provided that the Corporation shall not make form or lay down any part of the tramways numbered 1 2 and 3 within the district

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Provided also that Tramway No. 7 shall be laid as a double line but so that only one of such lines can be used at one and the same time.

For the protection of the London and North Western Railway Company.

6. For the protection of the London and North Western Railway Company (herein-after called the North Western Company) the following provisions shall apply and have effect:—

(a) The Corporation shall not in any way vary alter or interfere with the structure of any bridge carrying any road over any railway of the North Western Company and the Corporation shall so construct and maintain the tramways over such bridge as not injuriously to affect the same;

(b) In the event of any injury being caused to any such bridge by the construction maintenance repairing user or removal of any of the said tramways the North Western Company may at the expense of the Corporation restore such bridge or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Corporation shall indemnify the North Western Company against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge as the Corporation are liable to maintain and repair under section 28 of the Tramways Act 1870 and the North Western Company may recover from the Corporation all sums costs and expenses with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered;

(c) Whenever and so often as the North Western Company shall require to widen lengthen strengthen reconstruct alter or repair any such bridge or to widen or alter their railways or to lift or support any such bridge owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and they shall find it necessary for effecting any such purposes that the working and user of any of the said tramways over such bridge should be wholly or partly stopped or delayed or that such tramways should be temporarily diverted or be wholly or in part taken up or removed and shall except in cases of emergency give the Corporation seven clear days notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramways shall be stopped or delayed or such tramways shall be diverted or taken up or removed accordingly at the expense of the Corporation and under the superintendence of their engineer if such engineer

shall give such superintendence but only for so long as the North Western Company may find it to be absolutely necessary for effecting such purpose and without their being liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage or delay or in any way relating thereto ;

- (d) In case the principal engineer of the North Western Company and of the Corporation (or if they disagree an engineer to be appointed by the Board of Trade) shall be of opinion that any such strengthening is desirable or necessary owing to the carriages or other vehicles on any of the said tramways being or being intended to be moved by steam or any mechanical power such strengthening shall be effected in all things at the expense of the Corporation who shall also pay to the North Western Company all additional expense which they may incur or be put to in effecting any such widening lengthening strengthening reconstruction alterations repairs lifting or supporting by reason of the existence of the tramways so passing or any of the works connected therewith the amount of such expenditure to be recoverable as aforesaid by the North Western Company from the Corporation with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered ;
- (e) Whenever any of the said tramways on either side of any such bridge is a single line there shall only be a single line over such bridge and no turn-outs or passing places shall be constructed thereon ;
- (f) All works which may be necessary in constructing and maintaining any of the said tramways over any bridge or works of the North Western Company shall be constructed and maintained in all things at the expense of the Corporation and to the reasonable satisfaction of the principal engineer of the North Western Company or in case of difference of an engineer to be appointed by the Board of Trade on the application of the North Western Company or the Corporation.

7. For the protection and benefit of the Ince-in-Makerfield Local Board (in this section called the local board) the following provisions shall have effect unless otherwise agreed between the Corporation and the local board and the expression "the tramway" in the section means so much of Tramway No. 1 by this Act authorised as is situate within the district of the local board :—

For protection of Ince-in-Makerfield Local Board.

- (1) The Corporation shall not construct the tramway unless and until they shall have raised the level of Warrington Road at

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the point at which it passes under the Lancashire and Yorkshire Railway (leading from Wigan to Bolton) in accordance with the plan and section signed by William Bolton on behalf of the Corporation and Robert Winstanley on behalf of the local board and in raising the level of the said road the Corporation shall also raise the water mains of the local board in the said road to such a distance under the altered surface thereof as the local board shall require and shall carry out the work of so raising the said mains to the satisfaction of the engineer of the local board ;

- (2) Before the construction of the tramway those portions of Warrington Road situate between (a) Pearson and Knowles' Pay Office and a point opposite the Ince Cemetery Gates and between (b) north-easterly corner of the garden wall of Fir Tree House and the Lancashire Union Railway Bridge shall be altered and widened such widening to be made on the north-east side of the road and to be of such extent as to make those portions of the road not less than thirty-six feet wide (including footways) with a kerbed footpath on the same side five feet wide or of such other width as the local board or their surveyor for the time being may determine upon ;
- (3) Subject to the consent of the London and North Western Railway Company being first had and obtained the Corporation shall before the construction of the tramway construct a subway ten and a half feet high and nine feet wide through the embankment of the Lancashire Union Railway on the north-east side of Warrington Road and shall divert the Warrington Road footpath through such subway and shall thereupon add the present footpath to the carriage-way of that road The cost of the construction of such subway shall be borne in equal shares by the Corporation and the local board The Corporation and the local board shall use their best endeavours to procure the consent of the said railway company to the construction of the said subway ;
- (4) In all other narrow places where the kerbstone or footpath will admit of it and when required by the local board or the surveyor for the time being the Corporation shall set back such kerbstone or footpath so as to leave nine feet six inches at least between the outside edge of such kerbstone or the outside of such footpath on either side of the road and the nearest rail of the tramway ;
- (5) The road between the rails of the tramway (except on the arched bridge over the Leeds and Liverpool Canal shown on sheet No. 1 of the deposited plans) shall be paved for the

whole length thereof with the best Newry Bessbrook or Dalbeattie granite setts or other setts to be approved of by the local board and the roadway for eighteen inches in width on each side of the tramway shall be paved for the whole length thereof with best Lester Mill setts or other setts to be approved of by the local board and the paving on each side of the tramway shall be properly toothed in with broken joints with the existing pavements ;

- (6) The old paving setts taken up from the roads within the district of the local board in connection with the construction of the tramway shall belong to and be the property of the local board and may be removed by them as they may think proper ;
- (7) The tramway shall consist of grooved rails and shall be laid and maintained in such manner as regards construction rails sleepers fastenings widths of groove foundations paving materials used and in all other respects as the local board may approve ;
- (8) In laying down the tramway the Corporation shall (subject to the provisions of this section) restore the level of the roads and streets in all cases where the same are altered or disturbed ;
- (9) Save and except as provided with respect to the said subway all the works herein-before specified and all other works done by the Corporation within the district of the local board under the powers of this Act or of any Act incorporated herewith shall be carried out and executed by and at the sole expense of the Corporation and to the satisfaction of the engineer for the time being of the local board and in accordance with plans sections and specifications to be first approved by him.

8. For the protection and benefit of the Ince-in-Makerfield Local Board and the Leeds and Liverpool Canal Company (herein-after called the canal company) the following provisions shall apply :—

For protec-
tion of Ince-
in-Maker-
field Local
Board and
Leeds and
Liverpool
Canal
Company.

- (1) Before the construction of Tramway No. 1 by this Act authorised the bridge which carries the Warrington Road over the Leeds and Liverpool Canal shown on sheet No. 1 of the deposited plans (in this section referred to as the canal) shall be taken down and removed and in the present line of the bridge iron girders so as to make a girder bridge (similar to Rose Bridge) with proper provision for the working of the adjoining lock shall be substituted for that bridge and the same shall be carried in one span across the canal and the level of the said Warrington Road shall be lowered at that point leaving a water headway of eleven feet measured perpendicularly

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between the under surface of the said bridge and the level of the sill at the bye-wash of the canal next below the bridge such bridge to be of the width (including footways) of thirty-six feet from parapet to parapet the whole of the carriage-road over such girder bridge to be paved the entire width with four-inch granite cubes and the newly-formed footway on the north-easterly side of the bridge to be flagged All the works aforesaid shall be made and carried out by the Corporation according to plans sections and specifications to be first approved by the surveyor for the time being of the said local board and the engineer for the time being of the canal company ;

(2) The Corporation shall make good all damage that may be occasioned to the works or property of the canal company by or during the construction of the said girder bridge ;

(a) In every case of pressing necessity ; and

(b) In every other case if for seven days after notice in writing thereof given to the Corporation by the canal company the Corporation neglect to proceed with due diligence to make good any such damage ;

the canal company may if they think fit make good such damage and the amount expended by them in so doing shall be repaid to them by the Corporation ;

(3) If and whenever by any act or omission of the Corporation any part of the canal or the towing-path of the canal shall be obstructed or rendered dangerous to boats barges or other vessels navigating or using the canal the Corporation shall pay to the canal company as or by way of ascertained damages the sum of one hundred pounds for every day during which the obstruction or danger shall continue and so in proportion for any less time than a day Provided that nothing in this Act contained shall prevent the canal company or any owner of boats or barges from recovering from the Corporation (in addition to the ascertained damages herein-before mentioned) any special damage that may be sustained by the canal company or such owner in consequence of the stoppage or hindrance of the traffic upon the canal or in consequence of the works to be executed by the Corporation or by the canal company for the Corporation under the provisions herein-before contained ;

(4) If and whenever any damages or other sums payable by the Corporation to the canal company or any such owner as aforesaid by virtue of this section are not paid on demand made on the clerk of the Corporation the same may be recovered by the canal company or such owner from the

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Corporation with full costs and charges in like manner as any simple contract debt of the like amount may be recovered;

(5) All questions and differences which may at any time arise between the Corporation and the canal company as to the construction or effect of this section or the performance observance non-performance or non-observance of any of the provisions thereof or any matters connected therewith or consequent thereon shall be determined by arbitration before an arbitrator to be appointed by the Corporation and the canal company or (if for fourteen days after the question or difference arises the Corporation and the canal company do not agree upon an arbitrator) by the Board of Trade upon the application in writing of both or either of the parties and the decision of every such arbitrator (by whomsoever appointed) shall be binding and conclusive upon both the parties in difference and the costs of such arbitration shall be borne in such manner as such arbitrator may in his discretion think fit;

(6) The Corporation shall indemnify the local board from and against all claims demands costs charges and expenses whatsoever in respect of the removal of the existing bridge and of the construction of the girder bridge or in anywise arising therefrom.

9. If the tramways authorised by this Act shall not be completed within a period of two years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for constructing the same or otherwise in relation thereto shall cease except as to so much of the tramways respectively as shall then be completed. Provided that in regard to so much of the tramways numbered 1 2 and 3 as is within the district of the Hindley Local Board the period of two years shall be reckoned from the time when that local board shall have given their consent.

Period for completion of tramways.

10. The tramways shall be constructed on a gauge of three feet six inches. Provided always that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramway beyond the outer edge of the wheels of such carriages shall not apply to carriages used on the tramways by this Act authorised but no engine or carriage used on such tramways shall exceed five feet six inches in width or such other width as the Board of Trade may prescribe.

Gauge of tramways.

11. In addition to the requirements of section 26 of the Tramways Act 1870 the Corporation shall before they proceed to open or break up any road for the purpose of constructing laying down maintaining or renewing any of the tramways lay before the Board of

Provisions as to construction of tramways.

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Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Corporation shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act.

As to rails of tramways.

12. The rails of the tramways by this Act authorised shall be such as the Board of Trade may approve.

Penalty for not maintaining rails and roads in good condition.

13. The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways by this Act authorised and the substructure upon which the same rest and if the Corporation at any time make default in complying with this provision or with any of the requirements of section 28 of the Tramways Act 1870 they shall for every such offence be subject on information laid or complaint made to a penalty not exceeding five pounds and in a case of a continuing offence to a daily penalty not exceeding five pounds and such penalty may be recovered as by section 56 of the said Act is provided. In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Corporation have made any such default as aforesaid the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

Byelaws.

14. Subject to the provisions of this Act the Board of Trade may in the event of steam or any mechanical power being about to be used on any of the tramways under the authority of section 28 of the Order of 1884 as incorporated in this Act from time to time make and when made may rescind annul or add to byelaws with regard to any of the tramways for all or any of the following purposes (that is to say) :—

For regulating the use of the bell whistle or other warning apparatus fixed to the engine ;

For regulating the emission of smoke or steam from engines used in working the tramways ;

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety ;

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages ;

For limiting the number of carriages for the conveyance of animals goods minerals and parcels to be drawn or propelled together by steam or any mechanical power and the hours during which such carriages shall be used on such tramways ;

For the licensing of the drivers of the engines and the conductors of the carriages used on such tramways (the age of drivers not being less than twenty-one years and of conductors not being less than eighteen years) ;

For providing that such tramways and the engines and carriages used thereon shall at all reasonable times be open to the inspection of inspectors appointed by the Corporation the Ince-in-Makerfield Local Board and the Hindley Local Board respectively and each of such inspectors shall have power with the sanction of the local authority appointing him to institute proceedings for offences committed against the Tramways Act 1870 or this Act or any byelaws or regulations made thereunder ;

For providing for the due publicity of all regulations and byelaws in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere :

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

15. The Corporation may subject to the provisions of this Act from time to time enter into and carry into effect agreements with any road authority with respect to the alteration of the widths or levels of any road along which any of the tramways are laid and with respect to the construction maintaining removing renewing repairing and using of the tramways situated within the district of such road authority and the rails plates sleepers and works connected therewith and the facilitating the working of the traffic over the same.

Agreements
between
Corporation
and road
authorities.

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Incorporation of sections of Order of 1884.

16. The following sections of the Order of 1884 (that is to say):—

Section 12 (local authority to have access to sewers);

Section 14 (tramways to be kept on a level with surface of road);

Section 15 (additional crossings &c. may be made where necessary);

Section 16 (temporary tramways may be made where necessary);

Section 17 (application of road materials excavated in construction of works);

Section 18 (tramways not to be opened until certified by Board of Trade);

Section 28 (carriages may be moved by animal steam or mechanical power);

Section 29 (penalty for using steam or mechanical power contrary to order or regulations);

Section 31 (as to recovery of penalties);

Section 32 (amendment of the Tramways Act 1870 as to byelaws by local authority);

Section 33 (orders and byelaws to be signed &c.);

Section 34 (as to contracts with road authorities where steam or mechanical power is to be used);

Section 36 (where steam or mechanical power is used contract with road authority not to be for longer than two years at a time);

Section 38 (provisions as to arbitration);

Section 39 (form and delivery of notices);

Section 44 (saving for general Acts);

shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the tramways by this Act authorised and in construing the said sections the expression "the promoters" shall for the purposes of this Act mean the Corporation and the expression "mechanical power" shall for the purposes of the Order of 1879 the Order of 1884 and this Act include cable power and electrical power carried with the carriages but shall not include any other mode of electrical traction and for the purposes of this Act section 38 of the Order of 1884 shall be read as if the Arbitration Act 1889 were referred to therein instead of the Common Law Procedure Act 1854:

Provided that steam or mechanical power shall not be used on any part of the tramways where for a distance of thirty feet or upwards a less space than nine feet six inches shall intervene between the edge of the footpath on either side of the road and the nearest

rail of the tramway except with the consent in writing of the Board of Trade. A.D. 1893.

17. The tramways authorised by this Act shall for the purposes of traffic upon the same and of tolls rates and charges be deemed to form part of the tramways authorised by the Order of 1879 and sections 26 to 32 both inclusive of the Order of 1879 and the schedule to the said Order annexed shall so far as the same are applicable apply to the tramways authorised by this Act in like manner in every respect as if the tramways by this Act authorised formed part of the tramways authorised by the Order of 1879. For purposes of traffic and tolls tramways to form part of tramways authorised by Order of 1879.

18.—(1) The Corporation or their lessees or any person working any of the tramways (who are in this section included in the expression the Corporation) if required by the Postmaster General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster General from time to time requires Provided as follows:— Carrying of mails by Corporation.

(a) Nothing in this section shall authorise the Postmaster General to require mails in excess of the following weights to be carried in or upon any carriage (that is to say):—

(i) If the carriage is conveying or intended to convey passengers and not goods or parcels then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers; and

(ii) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels or if that maximum appears to the Postmaster General to be so low as to exclude him from availing himself of the use of any such carriage then as is for the time being fixed by agreement or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England; and

(iii) If the carriage is conveying or intended to convey both parcels and passengers but not goods then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers whichever is the greater:

(b) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with:

(c) Nothing in this section shall authorise the Postmaster General to require any mails to be carried in or upon a carriage

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conveying or intended to convey passengers but not goods or parcels except in charge of an officer of the Post Office travelling as a passenger :

(d) If the Corporation carry goods as well as passengers and parcels the enactments relating to the conveyance of mails by railway shall subject to the provisions of this section apply in like manner as if the Corporation were a railway company and the tramway were a railway.

(2) The remuneration for any services which have been performed by the Corporation in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster General and the Corporation or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.

(3) For the purposes of this section the expression " mails " has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

(4) For the purposes of this section a requisition by Her Majesty's Postmaster General may be signified by writing under the hand of any person who is at the time either such Postmaster General or a secretary or assistant secretary of the Post Office or the inspector general of mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

Corporation
may in
certain cases
work tram-
ways.

19.—(1) If at any time the Corporation are unable to demise their existing tramways or the tramways by this Act authorised or any part thereof respectively upon such terms as in the opinion of the Board of Trade will yield to the Corporation an adequate rent therefor the Board of Trade may grant a license to the Corporation to work such tramways and the Corporation may thereupon work the same and may provide such plant materials and things as may be requisite or convenient therefor and in such case the several provisions herein-before contained relating to the working of the said tramways and the taking of tolls rates and charges therefor shall extend and apply mutatis mutandis to and in relation to the Corporation.

(2) Provided that if at any time during such working by the Corporation any company or person make to the Corporation a tender in writing to take a lease of and to work the said tramways or such

part thereof as aforesaid for such period (not being less than seven years unless the Corporation shall otherwise agree) at such rent and upon such terms and conditions as shall in the opinion of the Board of Trade be adequate and proper and such company or person at the same time offer to purchase the horses cars engines machines and fixed and moveable tramway plant of the Corporation suitable to or used upon the said tramways or such part thereof as aforesaid and not included in such lease at a price to be fixed unless otherwise agreed on between such company or person and the Corporation by a competent valuer to be appointed by the Board of Trade then upon payment of such price the Corporation shall demise the said tramways to such company or person at such rent and upon such terms and conditions and during the continuance of that demise the powers of the Corporation to work the said tramways or such part thereof as aforesaid shall cease and all moneys paid to the Corporation on such purchase shall be applied in repayment of moneys borrowed by the Corporation for tramway purposes.

20.—(1) The local board for the district of Ince-in-Makerfield and the local board for the district of Hindley respectively if by resolution passed at a special meeting of the members constituting such local boards respectively they so decide may within six months after the expiration of a period of seven years from the passing of this Act and within six months after the expiration of every subsequent period of three years or within three months after any order made by the Board of Trade under section 41 of the Tramways Act 1870 with the approval of the Board of Trade by notice in writing require the Corporation to sell and thereupon the Corporation shall sell to the local board so giving such notice so much of the undertaking by this Act authorised as is within the district of such local board upon terms of paying the then value (exclusive of any allowance for past or future profits of the undertaking or any compensation for compulsory sale or other consideration whatsoever) of the tramways and all lands buildings works materials and plant of the Corporation and their lessees suitable to and used by them for the purposes of their undertaking within such district such value to be in case of difference determined by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party and the expenses of the reference shall be borne and paid as the referee directs And when any such sale has been made all the rights powers and authorities of the Corporation in respect to the undertaking sold or where any order has been made by the Board of Trade under section 41 of the Tramways Act 1870 all the rights powers and authorities of the Corporation previous to the making of such order in respect to the portion of the undertaking

Purchase of portions of undertaking by local boards of Ince-in-Makerfield and Hindley.

A.D. 1893. — sold shall be transferred to vested in and may be exercised by the local board to whom the same has been sold in like manner as if such tramways were constructed by such local board under the powers conferred upon them by a provisional order under the Tramways Act 1870 and in reference to the same they shall be deemed to be the promoters.

(2) No such resolution shall be valid unless a month's previous notice of the meeting and of the purpose thereof has been given in manner in which notices of meetings of such local board are usually given nor unless two-thirds of the members constituting such local board are present and vote at the meeting and a majority of those present and voting concur in the resolution.

(3) The local board so purchasing may pay the purchase money and all expenses incurred by them in the purchase of the portion of the undertaking under the authority of this section out of the like rate and shall have the like powers to borrow on the security of the same as if such expenses were incurred in applying for obtaining and carrying into effect any provisional order obtained by them under the Tramways Act 1870.

(4) Subject and according to the preceding provisions of this section the two local boards may jointly purchase so much of the undertaking by this Act authorised as is within their districts.

Lands.

Power to acquire land for street improvements.

21. The Corporation may enter upon and take the lands in Warrington Road delineated on the deposited plans and described in the deposited book of reference and after taking such lands or any part thereof they may appropriate them to the widening of that road.

Correction of errors omissions &c.

22. If any omission mis-statement or erroneous description is found to have been made of any lands or of any owners lessees or occupiers of any lands shown or described or intended to be shown or described on the deposited plans or in the deposited book of reference the Corporation may apply to two justices for the correction thereof after giving ten days notice to the owners lessees and occupiers of the lands affected by the proposed correction and if it appears to the justices that the omission mis-statement or erroneous description arose from mistake they shall certify the same accordingly stating the particulars of the omission mis-statement or erroneous description and such certificate shall be deposited with the clerk of the peace for the county of Lancaster and shall be kept by him with the other documents to which it relates and subject and according to the same enactments and provisions as apply to those other documents and thereupon the deposited plans or book of

reference (as the case requires) shall be deemed to be corrected according to the certificate and the Corporation may enter on take hold and use those lands accordingly. A.D. 1893.

23.—(1) The Corporation shall not under the powers by this Act granted purchase or acquire in any parish 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 unless and until— Restrictions on displacing persons of labouring class.

(a) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(b) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5) If the Corporation acquire or appropriate any house or houses under the powers by this Act granted in contravention of the fore-

A.D. 1893. — going provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands for the time being belonging to them or which they have power to acquire:

Provided that nothing in this section shall relieve the Corporation from the necessity of obtaining the approval of the Local Government Board for such appropriation or use of their corporate land as would require such approval under the Municipal Corporations Act 1882 (as amended by section 72 of the Local Government Act 1888) or any other general Act.

(7) Subject to the provisions of this section the Corporation and the Local Government Board and their inspectors shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them under the Public Health Act 1875 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act:

Provided that all lands on which any buildings have been erected or provided by the Corporation in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8) The Corporation shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any provisional order in pursuance of this section and 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.

(9) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but

working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them. A.D. 1893.

24. 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 Corporation any easement right or privilege (not being an easement right or privilege of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid. Power to take easements &c. by agreement.

25. The powers of the Corporation for the compulsory purchase of lands under this Act shall cease after the expiration of five years from the passing of this Act. Period for compulsory purchase of lands.

26. The proceeds of the sale of any surplus lands of the Corporation under the powers of this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of any moneys borrowed by the Corporation under this Act but shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Provided that borrowed money discharged by the application of such moneys shall not be re-borrowed. Proceeds of sale of surplus lands to be treated as capital.

Markets.

27. The Corporation may from time to time demand and take such tolls stallages rents and charges in respect of their markets and fairs and the articles and things sold therein and of weighing-houses and places in addition to those heretofore authorised to be demanded and taken as the Local Government Board may upon the application of the Corporation sanction provided that this section shall not apply to existing tolls stallages rents and charges. Additional tolls &c. may be sanctioned.

28. Section 63 (forfeiture of articles left in market) of the Wigan Improvement Act 1874 shall extend and apply as well to animals as to articles left in the market or fair. Amendment of Act of 1874 s. 63 as to forfeiture of animals left in market.

29. The Corporation may by resolution of the council close their market hall on Sundays Christmas Days and Good Fridays and on the application of three-fourths of the market tenants on bank Power to close market hall.

A.D. 1893. holidays and public holidays and in the afternoon of one day in every week but not earlier than two o'clock.

Streets and Buildings.

Intersecting streets.

30. No new street shall unless the Corporation otherwise allow be laid out more than one hundred and fifty yards in length without an intersecting street.

Crossings for horses or vehicles &c. over footways.

31. Every person desirous of forming a communication for horses or vehicles across any kerbed footpath so as to afford access to any premises from a street shall give five days notice in writing of such desire to the Corporation and shall if so required by them submit to them for their reasonable approval a plan of the proposed communication showing where it will cut the footpath and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and shall execute the works at his own expense under the supervision and to the reasonable satisfaction of the borough engineer and in case such plan shall have been required then in accordance with the plan so approved and not otherwise.

If any person drives or permits or causes to be driven any horse or vehicle across or along any footway before such a communication has been so made or on or along any part of any footway other than the part over which such communication has been so made he shall for each such offence be liable to a penalty not exceeding five pounds in addition to the amount of damage (if any) thereby occasioned and such penalty and damages shall be recovered in like manner as penalties under this Act may be recovered.

As to urgent repairs to private streets.

32. In cases where urgent repairs are required to any street not being a highway repairable by the inhabitants at large and where for want of such repairs danger exists to passengers or vehicles in such street the Corporation may give notice in writing to the owners of the premises fronting or abutting on such parts thereof as may require such repairs requiring them to execute within a time to be specified in such notice such repairs in and upon such street as shall be specified in such notice and if such notice is not complied with the Corporation may if they think fit execute such repairs and the expenses thereof shall be recoverable summarily from the owners in default:

Provided always that no railway or canal company shall be deemed to be an owner for the purposes of this section in respect of any land of such company upon which any street shall wholly or partially front or abut and which shall at the time when such

notice is given be used by such company solely as a part of their line of railway canal or siding station towing-path or works and shall have no direct communication with such street. A.D. 1893.

33. If the owner or occupier of any vacant or waste land allow the same to remain unfenced so as to be a source of danger or the fence thereof to continue out of repair after the expiration of fourteen days notice from the surveyor to cause such land to be fenced or such fence to be repaired such owner or occupier shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. Fencing of vacant lands.

34. The Corporation may make byelaws with reference to the retention by them of all drawings plans specifications and written particulars descriptions or details deposited with the Corporation in pursuance of any enactment for the time being in force in the borough or any byelaw thereunder respectively. Plans deposited with the Corporation.

35. Every undertaking or agreement in writing given after the passing of this Act by or to the Corporation to or by or on behalf of any owner of property on the passing of plans or for the removal of obstructions or otherwise in connexion with the property of such owner shall be binding upon the owner of the property for the time being and upon his successors in title and upon the Corporation and may be enforced by either party in any court of summary jurisdiction by a penalty not exceeding forty shillings for each breach of such undertaking or agreement and a daily penalty not exceeding twenty shillings for each such breach and such owner shall be entitled to require from the Corporation a copy of such undertaking or agreement And every intending owner or lessee of property shall on application be entitled to information from the Corporation as to the existence of any such undertaking or agreement affecting the property and the terms of the undertaking or agreement if any such exist. Undertakings to bind successive owners.

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

Sanitary Provisions.

37. In addition to all other powers vested in the Corporation the Corporation if it shall appear to them on the report of the surveyor Summary power to provide

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sinks and
drains for
buildings.

or medical officer of health that any building whether built before or after the passing of this Act is not provided with a proper sink or drain or other necessary appliances for carrying off refuse water from such building may give notice in writing to the owner or occupier of such building requiring him in the manner and within the time to be specified in such notice to provide such sink drain or other appliances and if such owner or occupier shall make default in complying with such requirement to the satisfaction of the Corporation within the time specified in such notice he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and in case of default the Corporation may if they think fit themselves provide such sink drain or other appliances and the expenses incurred by them in so doing shall be repaid to them by such owner or occupier and may be recovered summarily.

Provision as
to filling up
of cesspools.

38. If it shall appear to the Corporation by the report of the surveyor medical officer of health or inspector of nuisances that any cesspool or other receptacle used or formerly used as a receptacle for excreta or for the whole or any part of the drainage of a house or part of a house or any ash-pit belonging to any such house or part of a house is prejudicial to health or otherwise objectionable for sanitary reasons and that it is desirable that the same should be filled up or removed or so altered as to remove any such objection as aforesaid the Corporation may if they think fit by notice in writing require the owner of such house or part of a house within a reasonable time to be specified in the notice to cause such cesspool or ash-pit to be filled up or removed and any drain communicating with such cesspool or receptacle to be effectually disconnected destroyed and taken away And if any owner shall fail to comply with such notice he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Area of
habitable
rooms.

39. No new bedroom or other habitable room shall have less floor area than seventy superficial feet.

Power of
entry for
purposes of
ss. 46 and 49
of Public
Health Act
1875.

40. For the purpose of carrying into effect the provisions of section 46 of the Public Health Act 1875 (as to the purification of filthy or unwholesome houses) and section 49 of the Public Health Act 1875 (as to the removal of filth from premises) the Corporation may by any officer authorised in writing in that behalf and showing his authority if required so to do enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

Penalty for
sending
diseased
food.

41. Any person who sends or deposits or permits to be sent or deposited for the purpose of sale or of preparation for sale any food

intended for the use of man which is to his knowledge diseased or unfit for the food of man shall be liable to a penalty not exceeding ten pounds. A.D. 1893.

42. Where it is shown that any animal or article liable to be seized under section 116 of the Public Health Act 1875 and found in the possession of any person was purchased by him from another person for the food of man and when so purchased was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be liable to a fine imposed by the said section 117 of the Public Health Act 1875 unless he proves that at the time he sold the said article he did not know and had no reason to believe that it was in such condition. Penalty on original vendor of unsound food.

43. Where the Corporation under the provisions of the Public Health Acts provide and maintain for public accommodation any sanitary conveniences they may if they think fit provide and maintain and make reasonable charges for the use of lavatories for public accommodation in connexion with such sanitary conveniences. Corporation may provide lavatories.

44. If any trade refuse or any building or other materials or rubbish of a like description be deposited in any privy cesspool ash-pit or ash-tub the Corporation may make a reasonable charge for the removal of the same which charge shall be paid to the Corporation by the occupier of the premises upon which such privy cesspool ash-pit or ash-tub is placed. Charge for emptying privies of rubbish.

Infectious Disease.

45. If the medical officer of health shall have reasonable cause to believe that any person in the borough is suffering from infectious disease attributable to milk supplied within the borough he may by notice in writing require every person supplying milk to the person so suffering or to the house of which he is an inmate to furnish him with a list of all the farms dairies or places from which he derives his supply of milk or from which he has derived his supply during the last six weeks and every such person failing to comply with such request shall for every such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. Medical officer may require dairymen to furnish list of sources of their supply of milk.

46. A person who knows himself to be suffering from any infectious disease shall not milk any animal or pick fruit and shall not engage in any occupation connected with food intended for the use of man or carry on any trade or business in such a manner as to be likely to spread such infectious disease and if he does so he shall be liable to a penalty not exceeding twenty shillings. Infected person not to carry on business &c.

A.D. 1893.

Business
not to be
carried on
in infected
premises.

47.—(1) Where an inmate of a house shop workshop room or place is suffering from any infectious disease or where there is danger of infection in any house shop workshop room or place caused by any person so suffering who has ceased to be an inmate thereof the Corporation may issue an order that forthwith and until such order shall have been determined by another order certifying such house shop workshop room or place to be free from infection the following regulations shall in respect of such house shop workshop room or place be observed :—

(a) No person shall in any such house shop workshop room or place exercise any indoor occupation which necessitates the handling of any food clothing or article likely to communicate any infectious disease or to retain infection and intended for sale or for the use of persons belonging to another family ;

(b) No article of food intended for sale or for the use of persons belonging to another family shall be removed from such house shop workshop room or place and no bedding clothing or other articles liable to communicate any infectious disease or to retain infection shall be removed from such house shop workshop room or place without previous disinfection or without proper precautions (to the satisfaction of the medical officer of health) for the purpose of being disinfected or destroyed.

(2) The Corporation shall make compensation to any person who shall have complied with the provisions of this section and who has thereby sustained loss but such compensation shall be in regard only of direct material and pecuniary loss and not in respect of any consequential loss or damage.

(3) Any person who shall disobey or obstruct the execution of any order made by the Corporation under the foregoing provisions or who shall wilfully offend against any of the foregoing provisions shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Protection
against
infection of
books in
public
libraries.

48. No person shall return to any public library any book which has been to his knowledge exposed to infection from any infectious disease until such book has been disinfected to the satisfaction of the medical officer of health or unless prior to the return of such book notice that it has been exposed to infection shall have been given to the librarian. If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

Compensa-
tion to
dairymen.

49. If any dairymen shall at the request of the Corporation stop his milk supply within the borough on account of the spread or suspected spread of infectious disease the Corporation shall make compensation to him for any loss occasioned by such stoppage.

50. If any midwife or nurse shall at the request of the Corporation stop her employment as such for the purpose of preventing the spread of infectious disease the Corporation shall make compensation to her for any loss she may sustain by reason of such stoppage.

A.D. 1893.
Power to compensate nurses &c.

51. Public notice of the provisions of this Act relating to infectious disease shall be given forthwith after the passing of this Act by advertisement in two newspapers published and circulating in the borough and by a notice affixed outside the town hall of the borough.

Public notice to be given of provisions of this part of this Act.

Common Lodging-houses.

52. The keeper of every common lodging-house within the borough shall reside constantly and shall remain between the hours of nine o'clock in the afternoon and six o'clock in the forenoon in such house and shall manage control and exercise proper supervision over the same and the inmates thereof except at such times as some other person appointed by him for that purpose and whose name is registered at the office of the Corporation shall with the approval of the Corporation in writing under the hand of their officer appointed for that purpose (which approval and registration shall be revocable by the Corporation) reside and remain in such house and manage control and exercise proper supervision over the same and the inmates thereof as the case may be. If any keeper of a common lodging-house offends against this enactment he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Regulations as to common lodging-house keepers.

53. Every common lodging-house whether registered before or after the passing of this Act shall to the satisfaction of the Corporation be provided with sufficient sanitary conveniences having regard to the number of lodgers who may be received in such common lodging-house and all water-closets and urinals shall be provided with a proper water supply laid on for flushing purposes. Any keeper of a common lodging-house who shall make default for twenty-eight days in complying with a notice from the Corporation requiring him to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. The expression "sanitary conveniences" in this section includes urinals water-closets earth-closets privies ash-pits and any similar convenience.

Sanitary conveniences to be provided for inmates of common lodging-houses.

54. Every person who without being registered in accordance with section 77 of the Public Health Act 1875 shall keep a common lodging-house within the borough shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalties on unregistered common lodging-house keepers.

A.D. 1893.

Power to
refuse registra-
tion of com-
mon lodging-
house keepers.

Cancellation
of registra-
tion of com-
mon lodging-
house
keepers.

Notice to
common
lodging-
house
keepers.

Power to
borrow.

Inquiries
by Local
Government
Board.

55. The Corporation may notwithstanding the provisions of section 78 of the Public Health Act 1875 refuse to register any person as a common lodging-house keeper unless they are satisfied of his character and fitness for the position.

56. Notwithstanding anything contained in section 88 of the Public Health Act 1875 where a common lodging-house keeper has been convicted of any offence against the provisions of the Public Health Acts or of this Act or of any byelaw made under the authority of any of the said Acts in respect of common lodging-houses the court before whom the conviction takes place may cancel the registration of such common lodging-house keeper.

57. Notice of the provisions of the sections of this Act relating to common lodging-houses shall be served upon the keeper of every common lodging-house either personally or by leaving the same at the common lodging-house.

Borrowing Powers.

58.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes herein-after mentioned not exceeding the respective amounts (if any specified) following (that is to say) :—

(1) For the purchase of land for street improvements and for the construction of the tramways by this Act authorised and other tramway purposes thirty thousand pounds ;

(2) For the payment of the costs of this Act as herein-after provided the sum requisite for that purpose :

And with the approval of the Local Government Board such further moneys as they may require for any of the purposes of this Act.

(2) In order to secure the repayment of moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage and charge as regards the purposes (1) the borough fund and borough rate and as regards the purpose (2) as to one half thereof the borough fund and borough rate and as to the other half thereof the district fund and general district rate and in addition to those funds and rates the Corporation may as regards all the said purposes mortgage and charge the revenue of the tramways undertaking.

59.—(1) 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.

(2) The Corporation 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. A.D. 1893.

60. 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 Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned. Certain regulations of Public Health Act as to borrowing not to apply.

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

Section 236. Form of mortgage ;

Section 237. Register of mortgages ;

Section 238. Transfer of mortgages ;

Section 239. Receiver may be appointed in certain cases.

62. The Corporation 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) :— Payment off of money borrowed.

As to moneys borrowed for the purposes (1) herein-before mentioned within the limits there prescribed within thirty years from the date or dates of the borrowing of the same ;

As to moneys borrowed for the purpose (2) herein-before mentioned within five years from the date or dates of the borrowing of the same ;

As to moneys borrowed with the approval of the Local Government Board within such period as they may think fit to sanction.

63. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of sinking funds or partly by such instalments and partly by sinking funds and in regard to any sinking funds formed under this Act the provisions of section 15 of the Local Loans Act 1875 shall apply Provided that the Corporation shall not invest any sinking fund under this Act in their own securities. Mode of payment off of money borrowed.

64. If the Corporation 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 out of other moneys received on capital Power to re-borrow.

A.D. 1893. 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 Corporation 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.

Protection
of lender
from inquiry.

65. A person lending money to the Corporation 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 or non-application of the money lent or of any part thereof.

Application
of money
borrowed.

66. Moneys borrowed or raised by the Corporation under this Act shall be applied only to the several purposes in respect of which they were respectively authorised to be borrowed or raised and to which capital is properly applicable.

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

67. The treasurer 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 treasurer shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any 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 enforce-

able by writ of Mandamus to be obtained by the Local Government Board out of the High Court. A.D. 1893.

68. Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estates and property of the Corporation subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same revenue rate and property. Saving for existing charges.

Miscellaneous Provisions.

69. Any unfenced ground adjoining or abutting upon any street shall for the purposes of the Vagrancy Act 1824 and any Act for the time being in force altering or amending the same be deemed to be a public place. As to unfenced ground.

70. Any householder or occupier of an office or place of business 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 or the office or place of business of such occupier and every street musician or singer who shall refuse to comply with any such request shall be liable to a penalty not exceeding forty shillings. Street musicians to depart when required to do so.

71. Whenever the Corporation under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work act or thing in default of the owner or occupier required to do such work act or thing and in the absence of negligence on their or his part or on the part of any contractor or person employed by them are required to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering such work act or thing the amount thereof when paid shall be added to and be deemed to be part of the expenses payable by such owner or occupier. In executing works for owner Corporation not liable for damage save in case of negligence.

72. Where the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent. As to breach of conditions of consent of Corporation.

73. Any occupier of premises wilfully refusing to disclose to the Corporation the name and address of the owner or agent of the Penalty on occupiers refusing

A.D. 1893. premises or wilfully mis-stating the same and any agent of premises
name of wilfully refusing to disclose to the Corporation the name and
owner. address of the owner of the premises or wilfully mis-stating the
same shall be liable to a penalty not exceeding forty shillings
unless he shows good cause for his refusal to the satisfaction of the
court.

Recovery of 74. Offences against this Act and penalties forfeitures costs
penalties &c. damages and expenses imposed or recoverable under this Act or any
byelaw made in pursuance thereof may be prosecuted and recovered
in a summary manner.

Judges &c. 75. A judge of any court or a justice shall not be disqualified
not disquali- from acting in the execution of this Act by reason of his being
fied. liable to any rate or by reason of his being a member of the
council.

Expenses of 76. All the costs charges and expenses preliminary to and of
Act. and incidental to the preparing applying for obtaining and passing
of this Act as taxed by the taxing officer of the House of Lords or
of the House of Commons shall be paid by the Corporation as to
one half thereof out of the borough fund or borough rate and
as to the other half thereof out of the district fund or general
district rate or out of moneys borrowed under this Act.

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