



### CHAPTER lxxxvi.

An Act to confer further powers on the Mayor Aldermen and Burgesses of the Borough of Blackpool for the Improvement and good Government of the Borough and for other purposes. A.D. 1893.  
[29th June 1893.]

**W**HEREAS the borough of Blackpool in the county palatine of Lancaster is a municipal borough subject to the Acts relating to municipal corporations and the mayor aldermen and burgesses of the said borough (in this Act called "the Corporation") acting by the council are the urban sanitary authority for the district thereof

And whereas the Acts and parts of Acts and orders specified in the First Schedule to this Act are in force within the said borough which Acts and orders are in this Act referred to collectively as "the former Acts" and each of them separately as an Act or order of the year in which the same was passed:

And whereas the Blackpool Land Building and Hotel Company (Limited) (in this Act called "the land company") some time since purchased certain building land in the borough along that part of the sea front called the North Shore and extending from the southern end of Lansdowne Crescent to the place called "the Gynn" and now known as Claremont Park and have made thereon a road called the Queen's Drive and have erected houses and sold plots of the said land fronting the said Drive on which plots houses of a high class have been erected subject to the obligations on the owners thereof to the land company to maintain in front of their said plots an embankment hulking sea-wall or other defence against the sea:

And whereas fronting the road abutting on a further part of the North Shore and leading from the western end of Cocker Street to Claremont Park houses have been erected known as Carlton Terrace and the land company have covenanted with the owners thereof or their predecessors in title to maintain the roads footpaths promenades grass plots and hulking on the westerly side of the said road:

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And whereas the sea has made inroads on the North Shore and the said embankment is in many parts washed away and is in other parts in a ruinous condition and it is expedient that the land forming the site of and adjoining the new embankment should be vested in the Corporation and that they in lieu of the land company and owners should be empowered to make and maintain a new embankment seawall and defences and in connexion therewith a new road or parade along the said North Shore and that in consideration of the benefit and relief which will thereby accrue to the land company and the said owners they should contribute to the cost thereof by a special annual rate or charge to be levied for the purpose on them and their respective lands and buildings :

And whereas the land company make a charge for the admission of foot passengers horses and carriages to Claremont Park and it is expedient that the Corporation if and when they acquire the land herein-after defined as "Claremont Park" should be authorised to make the like charge and that they should be empowered to make byelaws for regulating the admission thereto and the user of the works to be by them constructed :

And whereas the sewerage system of the Layton-with-Warbrick Local Board of Health (the predecessors of the Corporation) was not so laid out as to provide for the sewerage of the lands and buildings of the land company and it became necessary that a main sewer should be constructed for the purpose and it was by an agreement bearing date the tenth day of May one thousand eight hundred and sixty-five and expressed to be made between the land company and the said local board provided that the land company should make the necessary sewer to the satisfaction and under the supervision of the local board at a cost not exceeding two thousand pounds and that the local board should secure to the land company payment of the said cost with interest thereon after the rate of four pounds ten shillings per centum per annum by an allowance out of the general district rates payable in respect of buildings from time to time erected on the said land of a sum equal to sevenpence in the pound on the rateable value of the said buildings and that if and when such rates should be sufficient to pay the interest on the amount of the said cost for the time being owing the local board should grant to the land company a mortgage of their general district rates to secure repayment of the said cost and interest whereupon the payments to the land company by the local board should cease and the sewer and works should vest in them :

And whereas the said main sewer was constructed and various buildings have been erected on the said land and various payments have been made under the said agreement by the Corporation as successors to the local board and the Corporation have obtained the

sanction of the Local Government Board for a loan of two thousand pounds to pay off the said debt but doubts have been raised as to the validity of the said agreement and it is expedient that the said agreement and all payments thereunder should be confirmed : A.D. 1893.

And whereas the comfort of the persons frequenting the foreshore and sands is interfered with by the hawking of articles thereon and it is expedient that the powers of the Corporation for preventing obstruction and nuisance thereon be extended :

And whereas it is expedient that the Corporation be authorised to make and maintain the works herein-after described :

And whereas one of the markets of the Corporation in the borough namely the new covered market is built as to one part on land leased to the Corporation for a term of eighty years from the second day of February one thousand eight hundred and forty-six at an annual rent of eight pounds fifteen shillings and tenpence and as to the other part on land which with adjoining lands not in the possession of the Corporation was leased to one Thomas Nickson for the like term at an annual rent of seven pounds six shillings and fourpence and the last-mentioned part has been assigned to the Corporation subject to a proportionate annual rent of two pounds eighteen shillings and threepence and it is expedient that the Corporation be authorised to acquire the fee simple in the said lands forming the site of the said market :

And whereas the Corporation are the owners of the gas undertaking whereby the borough is supplied with gas except as to portions comprised in the township of Marton which township is in the limits of supply of the Saint Anne's-on-the-Sea Gaslight and Coke Company Limited (in this Act called "the gas company") :

And whereas the gas company and the Corporation have agreed for the transfer to the Corporation of that portion of the undertaking of the gas company which is contained in the said township of Marton and not comprised in the Saint Anne's-on-the-Sea Local Government district upon the terms in this Act appearing and it is expedient that the said agreement be carried into effect :

And whereas the Corporation under the powers of the order of 1884 constructed certain tramways in the borough which were worked by the Blackpool Electric Tramway Company Limited (in this Act called "the tramway company") under a lease made by the Corporation with the sanction of the Board of Trade whereby it was provided that the Corporation might purchase the works buildings carriages plant and property of the said tramway company upon certain terms set forth in the said lease :

And whereas the Corporation have purchased the said works buildings carriages plant and property of the tramway company for the sum of fifteen thousand seven hundred and fifty pounds and

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it is expedient that such purchase be confirmed by this Act and that the Corporation be authorised to borrow money for that purpose and in certain circumstances to run carriages on the tramways and levy tolls therefor :

And whereas it is expedient that the borrowing powers of the Corporation be extended :

And whereas it is expedient that further powers be granted to the Corporation for the improving and better governing of the borough and that the former Acts be in divers particulars altered and amended and the powers thereof extended :

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

And whereas an estimate has been prepared by the Corporation for the purchase of land for and the execution of the works by this Act authorised and such estimate amounts to forty-nine thousand seven hundred and four pounds :

38 & 39 Vict.  
c. 55.

And whereas the works included in such estimate are permanent works within the meaning of the two hundred and thirty-fourth section of the Public Health Act 1875 :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans showing the lands and property to be taken under the powers thereof and a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of all such lands were duly deposited with the clerk of the peace for the county of Lancaster and are herein-after respectively referred to as the deposited plans sections and book of reference :

And whereas an absolute majority of the whole number of the council at a meeting held on the twentieth day of November one thousand eight hundred and ninety-one after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Blackpool Times" a 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 borough rate of the borough :

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 at a further special meeting held in pursuance of a similar notice on the third day of March one thousand eight hundred and ninety-two being not less than fourteen days after the deposit of the Bill in Parliament :

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

PART I.—PRELIMINARY.

1. This Act may be cited as the Blackpool Improvement Act 1893. Short title

2. This Act is divided into parts as follows (that is to say) :— Act divided into parts.

Part I.—Preliminary.

Part II.—North Shore Works.

Part III.—Claremont Park &c.

Part IV.—General Provisions as to Works.

Part V.—Foreshore and Sands.

Part VI.—Markets &c.

Part VII.—Gas.

Part VIII.—Tramways.

Part IX.—Streets.

Part X.—Buildings.

Part XI.—Sewerage.

Part XII.—Sanitary Provisions.

Part XIII.—Fires &c.

Part XIV.—Cleansing Watercourses.

Part XV.—Licenses.

Part XVI.—Hackney Carriages.

Part XVII.—Common Lodging-houses.

Part XVIII.—Lands.

Part XIX.—Rates and Finance.

Part XX.—Police and Miscellaneous Byelaws.

Part XXI.—Miscellaneous.

3. This Act except where otherwise expressly provided shall apply exclusively to the borough. Limits of Act.

4. The Lands Clauses Acts and the Markets and Fairs Clauses Act 1847 so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are incorporated with and form part of this Act. Incorporation of Acts.

5. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council with Act to be executed by the council.

[Ch. lxxxvi.] *Blackpool Improvement Act, 1893.* [56 & 57 VICT.]

A.D. 1893. — all the powers privileges duties and obligations of the Corporation as a municipal authority and as an urban sanitary authority.

Interpreta-  
tion of terms.

6. In this Act unless the subject or context otherwise requires—
- “The borough” means the municipal borough of Blackpool;
  - “The Corporation” means the mayor aldermen and burgesses of the borough;
  - “The council” means the town council of the borough;
  - “The town clerk” “the treasurer” “the medical officer of health” “the surveyor” “the chief constable” and “the inspector of nuisances” respectively mean the town clerk the treasurer the medical officer of health (including any person duly authorised temporarily to act as medical officer of health) the surveyor the chief constable and the inspector of nuisances of the borough;
  - “The land company” means the Blackpool Land Building and Hotel Company (Limited);
  - “The pier companies” means and includes the Blackpool Pier Company and the South Blackpool Jetty Company (Limited);
  - “The town hall” means the town hall of the borough;
  - “The borough fund” and “the borough rate” mean respectively the borough fund and the borough rate of the borough;
  - “District fund” and “general district rate” mean respectively the district fund and the general district rate of the borough;
  - “The tramways” means the tramways for the time being belonging to the Corporation and situate within the borough;
  - “Street” applies to and includes any highway (not being a turnpike road) and any public bridge (not being a county bridge) and any road lane footway square court alley or passage whether a thoroughfare or not but shall not apply to nor include the approach road to any railway station nor the undertakings of the pier companies except so far as may be necessary for the preservation of order and good conduct among persons frequenting the same respectively;
  - “Owner” means the person who for the time being receives the rackrent of the lands with reference to which that term is used whether on his own account or under or by virtue of any mortgage or charge or as agent or trustee for any other person or who would so receive the same if the lands were let at a rackrent;
  - “Rackrent” means rent which is not less than two thirds of the full net annual value of the property out of which the rent arises and the full net annual value shall be taken to be the rent at which the property might reasonably be expected to let from year to year after deducting therefrom all usual

- tenants rates and taxes and tithe commutation rentcharge (if any) and the probable average annual cost of the repairs insurance and other expenses (if any) necessary to maintain the same in a state to command such rent;
- “Sanitary purposes” includes the making and maintaining of streets and highways (other than the North Shore Works) private improvements lighting scavenging water supply sewerage prevention of nuisances the preservation of the health and the improvement of the borough;
- “Sanitary expenses” means expenses incurred for sanitary purposes;
- “Daily penalty” means a penalty to accrue for each day any offence shall continue after conviction thereof;
- “The Public Health Acts” means the Public Health Act 1875 and any Act amending the same;
- “The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and any Act amending the same or otherwise relating to municipal corporations in England;
- “The Vagrancy Acts” means the Act 5 George IV. chapter 83 and any Act amending the same;
- “Carriage” means any vehicle used for the conveyance of persons or goods;
- “Omnibus” means any carriage (other than a tramway car) used for the conveyance of passengers paying separate and distinct fares and used for the taking up and setting down of passengers upon its route or for the conveying such passengers to or from any place within the borough or to or from the borough from or to any place without the same;
- “Bicycle” includes velocipede tricycle and every like mechanical contrivance;
- “Sky sign” means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part over any house building or structure which or any part of which sky sign shall be visible against the sky from any point in any street or public way and includes all and every part of any such post pole standard framework or other support. The expression “sky sign” shall also include any balloon parachute or similar device employed wholly or in part for the purposes of any advertisement or announcement on or over any building structure street or public way but shall not be deemed to include (i) any flagstaff or pole or (ii) any vane or weathercock unless adapted or used wholly or in part for the purposes of any advertisement or announcement or (iii) any sign which

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is securely fixed to or against but not over any building or which rests immediately upon the top of any wall or building being of one continuous face and not open work or (iv) any such word letter model sign device or representation as aforesaid which relates exclusively to the business of a railway company and which is placed or may be placed wholly upon or over any railway station yard platform or station approach belonging to a railway company and which is also so placed that it could not fall into any street or public place;

Words to which meanings are assigned in enactments incorporated with this Act or which have therein special meanings have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction:

In this Act and for the purposes of this Act in the Acts incorporated with this Act—

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

PART II.—NORTH SHORE WORKS &C.

Definition of  
“North  
Shore  
Works” &c.

7. For the purposes of this part of this Act and the Second Schedule the expression—

“The rating plan” means the plan signed in duplicate by Thomas Loftos the town clerk of which one copy shall be deposited with the town clerk at the town hall and the other shall be deposited with the clerk of the peace for the county of Lancaster to be kept with and as a part of the deposited plans;

“The North Shore Works” means and includes Work No. 1 and Work No. 2 and the works incidental thereto respectively by this Act authorised.

Power to  
make North  
Shore Works.

8. Subject to the provisions of this Act the Corporation may wholly within the borough make and shall thereafter maintain in the lines and situations and upon the lands in that behalf shown on the deposited plans and described in the deposited books of reference and according to the levels shown on the deposited sections the following works situate partly in the township of Layton-with-Warbrick in the parish of Bispham and partly on the foreshore or bed of the sea (that is to say):—

Work No. 1.—A road or carriage drive commencing at the northern termination of the existing carriage drive at the



western end of Cocker Street and terminating at a point 170 feet or thereabouts measured in a south-westerly direction from the south-westerly corner of the inn known as the Gynn Inn ;

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Work No. 2.—An embankment sea-wall hulking or other defence against the sea along the said North Shore parallel and co-extensive with the said road.

9. The Corporation may set apart and appropriate the whole or such portion or portions of the said road or carriage drive (Work No. 1) as they think fit for the exclusive use of foot passengers.

New road may be appropriated wholly or partially for foot passengers.

10.—(1) For defraying the expenditure of the Corporation of and incident to the construction and maintenance of the North Shore Works the owners for the time being of the respective lands and buildings (whether respectively unoccupied or occupied) specified in the Second Schedule to this Act and delineated on the rating plan and thereon distinguished by coloured edgings and by the numbers specified in that schedule shall for the period of fifty years from the completion of the North Shore Works pay to the Corporation on the first day of July in every year the rates or charges specified in that schedule with regard to those respective lands and buildings. A certificate under the hands of two justices shall be conclusive evidence that the North Shore Works are completed and such justices shall sign such certificate on proof being adduced to their satisfaction that the North Shore Works are completed.

Part of expenditure for foregoing works to be provided by special rates.

(2) The said several rates or charges shall be a charge on the said lands and buildings and be recoverable in the same manner and with the same incidents as private improvement expenses and private improvement rates are charged and recoverable under the provisions of the Act of 1879 and the Public Health Acts respectively.

(3) Every such annual rate or charge shall be redeemable at any time by the owner liable to the payment thereof on payment by him to the Corporation of such capital sum as may be agreed on between the Corporation and such owner :

The Corporation shall apply every such capital sum in extinguishment of loans raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided except to such extent and upon such terms as may be approved by the Local Government Board.

(4) The excess of the said expenditure over and above the produce of the said annual rates or charges shall be paid out of the borough fund and borough rate.

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Power to apportion certain of the annual rates and charges.

11. If at any time any land specified in the Second Schedule to this Act be divided into separate plots for the erection thereon of separate buildings the annual rate or charge payable in respect of such first-mentioned land may be apportioned by the owner thereof between the said several plots according to the width of the respective frontages thereof provided that the deed whereby the apportionment is made be produced to the town clerk within one month after the execution thereof :

And from and after the execution of such deed the separate plots in respect of which such apportionment is duly made shall be charged and chargeable only with the proper amount of the said rate or charge thereby apportioned to them respectively according to the width of their respective frontages.

Owners freed from liability as to sea wall &c.

12. From and after the passing of this Act the owners of the respective lands and buildings specified in the said Second Schedule and the land company and the owners of Carlton Terrace (as herein-after in this Act defined) in respect of the lands and buildings forming Carlton Terrace shall respectively be free and discharged from all liability (if any) in respect thereof to make or maintain any sea-wall hulking or other defence against the sea and the same shall be thenceforward maintained by the Corporation and all liabilities of the land company with respect to any lands or hulking forming the site of the North Shore Works as mentioned or referred to in any agreement or covenant with the owners of premises in Carlton Terrace or their predecessors in title shall from and after the commencement of this Act absolutely cease The execution and maintenance by the Corporation of the North Shore Works shall discharge the Corporation from the said liabilities.

Arrangements between the Corporation and the land company.

13.—(1) A copy of the working plans of the North Shore Works shall one month before the commencement of those works be deposited at the office of the land company.

(2) The land company may and shall upon the request of the Corporation in writing and for the purposes of the North Shore Works convey to and at the cost of the Corporation but free of purchase or compensation money payable to the land company such of the lands of the land company shown on the deposited plans and described in the deposited book of reference as the Corporation require for the North Shore Works :

Provided that the land company shall not without their consent be required to convey to the Corporation any portion of the lands shown and coloured blue on the plan signed in duplicate by Thomas Loftos the town clerk and Thomas Blane and herein-after in this Act referred to as "the land plan."

(3) No lavatories closets or urinals shall be erected or constructed in or under any of the said lands of the land company shown on the deposited plans and described in the deposited book of reference which are situate on the easterly side of the wall proposed to be constructed on the easterly side of the new road or carriage drive (Work No. 1).

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14. The Corporation shall forthwith after the execution of the said conveyance by the land company commence the North Shore Works and shall carry them on to completion with all reasonable despatch.

Corporation to commence works on execution of conveyance by land company.

15. For the protection of the land company and their sequels in estate all of whom are included under the expression "the land company" when used in this section the following provisions shall have effect (that is to say):—

For the protection of the land company.

(1) The Corporation shall as near as may be construct the proposed wall on the easterly side of the new road or carriage drive (Work No. 1) by this Act authorised to and in the line coloured red on the land plan;

The Corporation may and (unless otherwise agreed between the Corporation and the land company) shall construct and thereafter maintain a grass slope or embankment from the top of the said proposed wall to the edge of the Upper Promenade in Claremont Park and may and (unless otherwise agreed between the Corporation and the land company) shall erect and thereafter maintain suitable railings on the top of such wall and if the Corporation deem it expedient they may also erect and maintain suitable railings not exceeding two feet in height along the easterly edge of the said grass slope or embankment;

The said grass slope or embankment shall not be used for walking riding or sitting thereon nor for any purpose other than as a grass or planted slope or embankment:

(2) The Corporation shall submit to the land company for their reasonable approval plans and sections of any shelters to be constructed in or under the lands coloured blue on the land plan and drawings of the said railings and also plans and sections of any slope or embankment from the top of the said proposed wall to the upper surface of Claremont Park:

(3) The top of the proposed wall slope and embankment in this section before mentioned (exclusive of the railings trees and shrubs thereon) and any buildings or erections in connexion with the North Shore Works shall in no place be at a higher level than the surface of Claremont Park:

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- (4) The Corporation shall if required by the land company prior to the commencement of the erection of the said proposed wall and as soon as reasonably practicable erect in such places as may be mutually agreed upon between the land company and the Corporation three flights of steps for affording access from and to Claremont Park to and from the seashore such steps to be thereafter maintained by the Corporation :
- (5) In case any difference shall arise between the land company and the Corporation concerning the said plans sections and drawings or the construction of the works in this section mentioned every such difference shall be settled by an engineer or other person to be appointed by the land company and the Corporation or if they cannot agree on such appointment then by an engineer to be appointed by the Board of Trade on the application of either party and the cost of the reference shall be in the discretion of the arbitrator :
- (6) The Corporation and the land company may agree for any variation in or alteration of the works for the protection of the land company by this section provided for or as to the manner in which the same shall be executed :
- (7) In this section "Claremont Park" means Claremont Park as defined in the next following part of this Act.

Arrangements with owners of Carlton Terrace.

16.—(1) The expression "owners of Carlton Terrace" in this section shall mean the following persons and their respective sequels in title (that is to say) James Alexander Bell, William Howarth, Robert Bickerstaffe, Mary Ann Bentley, Sarah Lund, John Wilding, Richard Handley, William Wildman, John Lord, the trustees and executors under the will of William Birch deceased namely Thomas Fair, William Joseph Dickson, Richard Handley, and Robert Illingworth, and the trustees and executors under the will of George Brooke deceased namely Job Walker and John Smith, which several persons are or claim to be the owners of property in Carlton Terrace fronting the easterly side of the said Works Nos. 1 and 2.

(2) The owners of Carlton Terrace may and shall forthwith after the passing of this Act and for the purpose of the North Shore Works convey to and at the cost of the Corporation but free of purchase or compensation money such of the lands of the owners of Carlton Terrace shown on the deposited plans and described in the deposited book of reference as the Corporation require for the North Shore Works and are not coloured blue on the plan signed by Thomas Loftos the town clerk and by William Joseph Dickson and John Wilding.

(3) No wall (exclusive of the railings thereon) in connexion with the North Shore Works shall in line with or opposite to Carlton Terrace be at a higher level than the surface of such portion of the westerly footway in front of Carlton Terrace as may be co-extensive with such wall. A.D. 1893.

(4) No buildings (other than toll-houses not exceeding in any part thereof ten feet in height nor seven feet square or seven feet in diameter) and no boards or hoardings for advertisements (other than boards for the exhibition thereon of tolls or byelaws by this Act authorised) shall except with the consent in writing of the owners of Carlton Terrace be erected fixed or maintained on the North Shore Works between Carlton Terrace and the seashore.

(5) The Corporation and the owners of Carlton Terrace may agree for any variation in or alteration of the works for the protection of the said owners by this section provided for or as to the manner in which the same shall be executed.

**17.** For the protection of the Blackpool Sea Water Company (in this section called "the company") the following provisions shall have effect unless otherwise agreed on between the company and the Corporation (that is to say):— For the protection of the Blackpool Sea Water Company.

(1) Notwithstanding anything shown on the deposited plans or described in the deposited book of reference the Corporation shall not without the consent of the company enter upon take or use any lands belonging to the company west of the eastern boundary of their reservoir or tank as the same is at the present time constructed on the foreshore fronting that part of the borough known as the North Shore:

(2) The company shall permit the Corporation to construct the said Works Nos. 1 and 2 and the works in connexion therewith authorised by this Act on that portion of the lands of the company acquired from the Queen's most Excellent Majesty in right of Her Duchy of Lancaster east of the eastern boundary of their said reservoir or tank. If so required the company shall free of purchase or compensation money convey that portion of their said lands to the Corporation but free of expense in all respects to the company. Until such lands have been conveyed to the Corporation they shall not without the consent of the company have any right of entry on the same:

(3) Before any works shall be commenced by the Corporation on the said lands of the company or on lands to be acquired by the Corporation from the company as aforesaid a plan and section showing the intended works of the Corporation in relation to the mains pipes and works of the company shall be furnished to the company for the reasonable sanction and

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approval of their engineer who shall within fourteen days from receiving such plan and section specify and describe the works requisite to be executed by the Corporation for the protection of the said mains pipes and works of the company by reason of the said Works Nos. 1 and 2 and for proper access to the said mains pipes and works of the company in lieu of any existing approaches thereto which may be interfered with by the construction of the said Works Nos. 1 and 2 so that the company may be able to carry out all repairs or alterations to their said mains pipes and works as near as may be as heretofore and the works of the Corporation so far as they affect the property of the company shall subject to the provisions of this section be executed in accordance with such requirement and not otherwise:

- (4) It shall be lawful for the company and their engineers workmen and others in their employment free and exempt from any tolls which the Corporation may be authorised to charge at all reasonable times during and after the construction of the said Works Nos. 1 and 2 to exercise all or any of the rights now vested in the company for the purpose of entering upon the lands in under or through which the mains and pipes of the company shall have been laid whether such lands belong to the company or to the Corporation and of doing all such works in or upon such lands as may be necessary for inspecting repairing duplicating maintaining altering enlarging removing or replacing any mains or pipes belonging to the company and being in under or through such lands but subject nevertheless to all existing liabilities of the company to make good all damage occasioned thereby:
- (5) The company may at their own expense construct and for ever after maintain an approach from the said Work No. 1 over and down to the front of the said Work No. 2 to the lands of the company on the foreshore to the west of such last-mentioned work the said approach to be made in accordance with a plan to be reasonably approved by the engineer of the Corporation:
- (6) No toll shall be demanded or taken in respect of the new road or carriage drive (Work No. 1) from the company their successors or assigns or from their officers servants or employees or from any persons going to or from the works of the company on the foreshore or otherwise or on their business for any purpose connected therewith or from any customers of the company going to or from the existing works of the company on the foreshore or any works which may be lawfully

erected thereon with the object of using the sea water of the company for bathing purposes: A.D. 1893.

(7) The Corporation shall not in any manner in the execution or maintenance of the said Works Nos. 1 and 2 obstruct or interfere with the free and uninterrupted supply of sea water by the company to their limits of supply:

(8) If for the purpose of constructing the works by this Act authorised the Corporation shall find it necessary or expedient to raise sink or otherwise alter the position of any of the water mains pipes valves syphons plugs or other works laid down or belonging to the company such raising sinking or alteration shall be done with as little detriment and inconvenience to the company as the circumstances will admit and under the superintendence and to the reasonable satisfaction of the engineer of the company if he shall think fit to attend after receiving not less than forty-eight hours notice for that purpose Provided that it shall not be lawful for the Corporation to remove or displace any of the aforesaid mains or pipes (other than private service pipes) valves syphons plugs or other works of the company or to do anything to impede the passage of water into or through such mains or pipes until good and sufficient mains or pipes valves syphons plugs and all other works necessary or proper for continuing the supply of water shall at the expense of the Corporation have been first made or laid down in lieu thereof and be ready for use in a position as little varying from that of the mains pipes valves syphons or plugs proposed to be removed or displaced as may be consistent with the construction of the works by this Act authorised and to the reasonable satisfaction of the aforesaid engineer:

(9) It shall not be lawful for the Corporation to leave any of the mains or pipes of the company with a covering of less than two feet three inches from the surface of the road without the consent in writing of the said engineer first had and obtained:

(10) In case of any difference arising between the company and the Corporation as to the true intent and meaning of this section or as to anything to be done or not to be done thereunder or as to any plans or the mode of executing any works under this section such difference shall be settled by an engineer to be appointed (unless otherwise agreed) on the application of either party by the Board of Trade and the decision of such engineer shall be final and binding on both parties and the costs of the reference shall be borne as he shall direct.

18. The said agreement bearing date the 10th day of May 1865 and made between the land company and the Layton-with-

Confirming  
agreement  
of 10th May  
1865.

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Warbrick Local Board of Health and set forth in the Third Schedule to this Act is hereby confirmed as from the said date and shall be binding on the land company and the Corporation. And the Corporation shall pay to the land company within six months from the passing of this Act the sum of two thousand pounds mentioned in the said agreement with the interest due thereon in full satisfaction of all moneys agreed to be paid or secured to the land company under the said agreement. And from and after the passing of this Act all the obligations and liabilities of the land company under the said agreement or under an agreement supplemental thereto dated the seventh day of July one thousand eight hundred and ninety-one and made between the land company and the Corporation shall wholly cease and determine.

Power to erect shelters &c. on the said road or carriage drive.

19. The Corporation may provide place re-erect and maintain on the side of the said road or carriage drive (Work No. 1) stands for bands of music seats shelters lavatories steps and gates and such other conveniences as they deem expedient having regard to its user as a place of resort for pleasure or health.

The North Shore Works to be deemed street for police purposes.

20. For the purposes of police and of the Vagrancy Acts the North Shore Works shall be deemed a street and public place and the powers and duties of all police constables in relation to public safety and preservation of order decency and protection of property shall extend thereto.

Prohibiting public speeches &c. on the North Shore Works.

21. From and after the passing of this Act it shall not be lawful to deliver utter or read aloud any public speech lecture address discourse or other matter of any kind or description whatever or to sing any sacred or secular song or to enter into any public discussion maintaining the right to deliver utter or read aloud any public speech lecture discourse address or other matter or to hold or cause or take part in any public assemblage or without the consent of the Corporation to play any musical instrument upon the North Shore Works or upon any portion thereof. Any person offending against the provisions of this section shall be subject to a penalty not exceeding forty shillings and it shall also be lawful for any constable of the borough or officer of the Corporation to remove from the North Shore Works any person so offending.

Prohibiting sale on North Shore Works.

22. No person shall hawk offer or expose for sale or sell any goods wares merchandise or things whatsoever on the North Shore Works and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings to be recovered summarily.

As to northerly approach to

23. In order to provide an improved approach road to the North Shore Works at the northerly end thereof the land company shall



and will convey to and at the cost of the Corporation but free of purchase or compensation money any land belonging or reputed to belong to the land company and lying north of the line marked G H and north-east of the line marked H K on the land plan together with all rights of way and other easements held or enjoyed by the land company in respect of such land or over adjoining land north and north-east thereof and the Corporation shall and will at their own expense after the completion of the North Shore Works forthwith form and make and thereafter repair and maintain the said road as a public highway and of as easy gradients as practicable and the Corporation shall forthwith after the completion of the North Shore Works at the like expense remove the toll-house and gates of the land company at the northerly end of Queen's Drive from their present position and shall re-erect the same in the position marked L L on the land plan and shall to the reasonable satisfaction of the land company alter and re-form such portions of the grass and gravel promenades and carriage drive within Claremont Park as herein-after defined as may have been interfered with or rendered necessary in consequence of the works carried out under the authority of this section.

A.D. 1893.  
North Shore  
Works.

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

For regulating the use of the North Shore Works and for preventing nuisances and obstructions thereon or on the immediate approaches thereto.

Power to  
make bye-  
laws as to  
North Shore  
Works.

### PART III.—CLAREMONT PARK &C.

25. "Claremont Park" means and includes the whole of the land between the lines coloured yellow on the land plan and respectively marked with the letters A B and C D and A C and B D:

Interpreta-  
tion in this  
part of this  
Act.

"Queen's Drive" means the road or drive commencing at the southern end of Lansdowne Crescent and terminating at the entrance gates to Claremont Park near the place known as "the Gynn."

26.—(1) If and so soon as the land company and the Corporation under their respective common seals shall so agree the land company may and shall convey to the Corporation and the Corporation may acquire and hold all lands belonging to the land company between the lines coloured yellow on the land plan and respectively marked with the letters A B and C D and A C and B D and also all the estate and interest of the land company in Queen's Drive and also all the estate and interest of the land company in the street or road leading from the western end of

As to Clare-  
mont Park.

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Cocker Street in front of Carlton Terrace to the southern end of Lansdowne Crescent all in the borough.

(2) From and after the execution of such conveyance all the covenants conditions and agreements remaining to be observed and performed by the land company and capable of being enforced against the land company under and by virtue of any deed covenant or agreement made or entered into by them or on their behalf with the owners of Carlton Terrace or their predecessors in title in reference to such last-mentioned street or road shall be as valid and of as full force and effect against the Corporation as if such deed covenant or agreement had been made or entered into by the Corporation and the land company shall be discharged from all liability thereunder.

Provisions consequent on conveyance by land company to Corporation.

27. From and after the execution of the conveyance to the Corporation of the lands estate and interest of the land company mentioned in the last preceding section the following provisions shall have effect (that is to say):—

(1) The Corporation may from time to time plant and take all necessary steps for the protection and preservation of ornamental trees and shrubs in or on Claremont Park:

(2) The road and footway shown on the land plan and marked thereon "Queen's Drive" shall vest in the Corporation subject to the provisions of this part of this Act and the Corporation shall thereafter repair and maintain the same and the sewers and drains therein:

(3) Subject to the provisions of this part of this Act the Corporation may and until the same be reduced or discontinued under the provisions of this section shall from time to time demand and take for the entry into Claremont Park between the Saturday before Whit Sunday and the thirtieth day of September (both days inclusive) in every year such tolls as the Corporation from time to time direct not exceeding the sums following (that is to say):—

For every carriage passing through any entrance gate to Claremont Park and for every time it shall so enter the sum of threepence;

For every passenger or person passing through any such gate if on foot the sum of one penny and if on any animal the sum of twopence:

And such respective tolls shall be paid before any such carriage or person (as the case may be) shall be entitled to pass through such gate and shall be paid for each and every time of passing through such gate;

Provided always that not more than one full toll in the whole shall be payable or paid for once entering upon using and passing out of Claremont Park and subject as aforesaid no second toll shall be payable by the same person on the same day :

(4) No toll shall be demanded or taken by virtue of this Act in respect of the entry into Claremont Park by the following (that is to say) :—

(A) Her Majesty the Queen and the members of the Royal Family ;

(B) The persons named or referred to in section one hundred and ninety-six of the Customs Consolidation Act 1876 or any officer of Inland Revenue in the course and actual exercise of his duty ;

(C) Any person or horse or carriage or other vehicle employed in conveying or guarding postal packets under the authority of Her Majesty's Postmaster General either when employed in conveying fetching or guarding such postal packets or in returning from conveying or guarding the same The term " postal packet " in this section has the same meaning as in the Post Office (Protection) Act 1884 ;

(D) Police constables and officers and members of the fire brigade in the course and actual exercise of their duty ;

(E) The owners lessees and occupiers of and the visitors to or staying at any of the lands and buildings specified in the Second Schedule to this Act or any of the lands or buildings now or formerly belonging to the land company and the servants of such persons ;

(F) Any person bonâ fide seeking apartments at any of such lands or buildings ;

(G) The tradesmen having shops in the borough and bonâ fide calling for orders or delivering by hand only provisions or goods at any of such lands or buildings :

And no toll shall be demanded or taken for or in respect of any horse or carriage of any person mentioned in sub-sections (A) to (F) of this section :

(5) The Corporation shall not reduce or discontinue temporarily or permanently the levying of any tolls for the entry into Claremont Park except subject to the following conditions (that is to say) :—

They shall give not less than three months notice in writing of such intended reduction or discontinuance to the land company and to the owners for the time being of the lands and buildings specified in the Second Schedule to this Act stating in such notice the tolls so proposed to be reduced

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or discontinued the amount of any proposed reduction and the time when the same shall commence and the period for which it shall continue and shall also in the said notice require the land company and owners within ten weeks from the delivery thereof to send to the town clerk at his office an answer in writing stating whether they assent to or dissent from the proposal therein made and if the land company or a majority in value of those owners (calculated according to the annual rates or charges specified in the said Second Schedule) do not within the said ten weeks send such answer dissenting from the said proposed reduction or discontinuance (as the case may be) such reduction or discontinuance shall come into force on the expiration of the said three months and continue for the period stated in the said notice :

Subject to the foregoing provisions of this section the Corporation may from time to time vary or reduce both or either of the tolls hereby made payable for such time as they shall think proper and may again raise the tolls so varied or reduced or any part thereof so that the same do not exceed the tolls hereby made payable and the tolls so varied reduced or again raised shall be collected and recovered in the same manner as the tolls hereby made payable are authorised or directed to be collected and recovered :

(6) The Corporation may grant licenses or tickets of exemption to any person or persons from all or any of the tolls authorised to be taken by this part of this Act for such limited periods not exceeding one year and subject to such conditions limitations and restrictions as the Corporation from time to time shall deem expedient and may take such remuneration either by a single payment or by periodical payments as to the Corporation shall seem fit but the Corporation shall grant the same terms in similar circumstances to every person desiring them :

(7) If any person subject to the payment of any toll hereby made payable or any person having charge of any carriage in respect of which toll is payable under this part of this Act shall after demand thereof made by any collector appointed to receive toll neglect or refuse to pay the same or any part thereof it shall be lawful for such collector by himself or taking such assistance as he may think necessary to stop and prevent the passage of the person so neglecting or refusing or of the carriage for or in respect of which such tolls ought to have been paid until full payment thereof be made :

(8) If any person subject to the payment of toll shall wilfully and with intent to defraud evade the payment of any toll by this

part of this Act made payable or shall forcibly enter Claremont Park or any part of the same or pass through any toll-gate without having paid such toll or shall assault interrupt or obstruct any person employed in the collection of such toll every person offending in any of such cases shall for every such offence forfeit any sum not exceeding twenty shillings:

- (9) The tolls received by the Corporation under this part of this Act shall be carried to the credit of the borough fund:
- (10) A list of all the tolls authorised by this part of this Act to be taken shall be published by the same being painted upon one toll-board or more in distinct black letters on a white ground or white letters on a black ground or by the same being printed in legible characters on paper affixed to such board and such board shall be exhibited at every gate where such tolls shall be made payable:
- (11) The Corporation may by order prohibit or regulate wholly or for such period as they may by such order prescribe the use of bicycles in Claremont Park or in any part or parts thereof by any person other than a person by this Act exempted from toll on entry thereto and any person acting contrary to such order shall be liable for every such offence to a penalty not exceeding forty shillings:
- (12) The Corporation may from time to time make byelaws for all or any of the following purposes (that is to say):—

For regulating the use of Claremont Park and for preventing nuisances and obstructions therein or the immediate approaches thereto:
- (13) For the purposes of Police and of the Vagrancy Acts Claremont Park shall be deemed a street and public place and the powers and duties of all police constables in relation to public safety and preservation of order decency and protection of property shall extend thereto.

28. Public notice of the conveyance mentioned in the section of this Act the marginal note whereof is "As to Claremont Park" and of the provisions of this part of this Act shall within three months after such conveyance be given for two successive weeks in one or more newspaper or newspapers published or circulating in the borough.

Notice of this part of this Act to be given.

#### PART IV.—GENERAL PROVISIONS AS TO WORKS.

29. The Corporation in connexion with or for the purposes of the North Shore Works or any of them may stop up or divert all

Subsidiary works &c.

A.D. 1893. — slades shown on the deposited plans as intended to be stopped up or diverted and may make place erect and maintain all such walls embankments groynes abutments piers pillars cantilevers arches bridges buildings erections piling roadways footways steps slades approaches sewers drains pipes works and appliances as may be requisite or convenient for the purposes thereof.

Certain sections of the Act of 1879 incorporated.

**30.** The following sections of the Act of 1879 (that is to say) :—

Section 23 (Works affecting tidal lands to be approved by the Board of Trade);

Section 24 (Limits of lateral and vertical deviation);

Section 26 (Power to alter pipes &c.);

Section 28 (Time for completion of works);

Section 29 (For the protection of the Fylde Waterworks Company);

shall so far as they are applicable extend and apply mutatis mutandis to and in relation to the execution of the works by this Act authorised :

Provided as follows :—

(1) The limit of vertical deviation except in the case of the new road or carriage drive (Work No. 1) shall be five feet upwards and five feet downwards;

(2) The Corporation shall not in the construction of the said Work No. 1 deviate vertically upwards from the levels shown on the deposited plans except between the points marked with the letters E and F on the land plan and between those points they may deviate vertically upwards to any extent not exceeding two feet;

(3) No deviation either lateral or vertical shall be made below high-water mark without the consent in writing of the Board of Trade;

(4) The Corporation shall not raise sink or otherwise alter the position of any pipe tube wire or apparatus laid down or used by the Postmaster General for telegraph or other purposes except in accordance with and subject to the provisions of the Telegraph Act 1878.

Temporary stoppage of streets.

**31.** The Corporation may during the execution and for the purposes of any works by this Act authorised from time to time break up and also temporarily stop up divert and interfere with any street and may for any reasonable time prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same.

PART V.—FORESHORE AND SANDS.

A.D. 1893.

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

Corporation  
may make  
byelaws as to  
user of sea-  
shore &c.

For regulating the erection or placing on the sands and seashore and sea-walls or the roads and footways thereon or the approaches thereto or any part or parts thereof (all of which places are in this part of this Act included in the words "the shore") of any booths tents sheds stands and stalls (whether fixed or movable) or vehicles for the sale or exposure for sale of any article or thing or any shows exhibitions performances swings roundabouts or other erections vans photographic carts or other vehicles whether drawn or propelled by animals or persons and the playing of any games on the shore and generally for regulating the user for such purposes as shall be prescribed by such byelaws of the shore or any part thereof;

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

For regulating the user of the shore or any part thereof for riding and driving;

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

The provisions of this section shall not extend or apply to or in relation to any foreshore sands embankments or sea-walls of the land company unless and until the same shall have been conveyed to the Corporation under the provisions of this Act:

No byelaw shall be made under this section which shall interfere with any right of the pier companies or either of them to maintain strengthen or repair their respective piers.

**33.** The Corporation may by resolution from time to time fix and alter the hours during which bathing may take place from those parts of the shore which are not comprised in any public bathing-place or any stand for bathing machines:

Bathing  
without the  
use of  
machines.

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

And the Corporation may from time to time make and when made vary amend or rescind byelaws for the preservation of decency and order at public bathing stations and with respect to the hours during which bathing may take place therefrom and may by

A.D. 1893. such byelaws prescribe the use of decent and sufficient bathing garments.

Power to annex conditions to licenses of bathing machine proprietors.

**34.** The Corporation may from time to time annex to any license granted to the owner or lessee of any bathing machine such conditions as to the employment of boats boatmen and attendants and the provision of life-saving apparatus for the purpose of ensuring the safety of bathers as the Corporation may think fit and as to the qualifications of such boatmen and attendants and any owner or lessee of any bathing machine who or any of whose boatmen attendants or servants shall commit a breach of any such conditions shall be liable to a penalty not exceeding five pounds and the Corporation may in the event of conviction suspend or revoke the license of any such owner or lessee.

PART VI.—MARKETS &C.

Byelaws as to markets &c.

**35.** The Corporation may from time to time make byelaws specifying and defining the lands and buildings or parts thereof respectively in which the markets shall be held or in which any particular market shall be held and may by any such byelaws specify and define the goods animals articles and things which may be brought or delivered upon or into any market or slaughter-house of the Corporation and the times mode and conditions of and attending such bringing and delivering respectively and what number weight or quantity shall be deemed wholesale or retail in any or each class of goods animals articles and things and the form and manner in which any names or announcements shall be placed and made in or upon any premises in any market or slaughter-house and the mode of weighing and of evidencing and registering the weights of carts animals articles or things weighed at the weighing houses of the Corporation and the charges to be made for weigh tickets.

Power to take possession of stalls &c. for non-payment of rent &c.

**36.** If any tenant shall within three days after demand thereof made after the same shall have become due and payable make default in the payment of any toll rent or charge payable to the Corporation in respect of any shop stall booth stand shed hiring fixture or property in any market or in respect of any slaughter-house or any part thereof or any accommodation therein the Corporation may enter upon and take possession thereof and re-let the same without prejudice to any other remedy for the recovery of such toll rent or charge.

Market places to be deemed to be streets.

**37.** Every part of every market house market place or place where a market now or hereafter under the control of the Corporation is or may be held and every part of every slaughter-house of the



Corporation shall for the purposes of every enactment for the time being in force in the borough constituting street offences be deemed to be a street. A.D. 1893.

**38.** The Corporation may in connexion with their markets erect and maintain one or more lodges for the residence of the superintendent inspector or inspectors thereof and also refreshment and retiring rooms and urinals and such other accommodation as may be necessary for the convenience of persons frequenting the said markets and slaughter-houses and may from time to time demise such rooms for any period not exceeding three years. Corporation may erect conveniences &c.

**39.** The Corporation in addition to any other lands they are authorised to acquire under the powers of this Act may purchase compulsorily or by agreement the reversion in fee in the leasehold land held or used by them for market purposes and situate between Lytham Street and Market Street and on the southerly side of West Street and shown on the deposited plans and described in the deposited book of reference and may redeem any rent or rents payable thereout. Power to acquire reversions in site of new covered market.

**40.** It shall not be lawful to blow inflate or stuff the carcase or any part of the carcase of any animal slaughtered in any slaughter-house within the borough and any person offending against this enactment shall be liable to a penalty not exceeding forty shillings. Prohibition of blowing or stuffing carcasses.

#### PART VII.—GAS.

**41.** The Corporation shall purchase from the gas company and the gas company shall sell to the Corporation so much of the undertaking (including in that expression where used in this section lands (if any) easements mains pipes apparatus and plant) of the gas company as is situate in that portion of the said township of Marton which is not comprised in the Saint Anne's-on-the-Sea Local Government district. Corporation to acquire portion of undertaking of Saint Anne's-on-the-Sea Gas Company (Limited).

The consideration for the said purchase shall be the payment by the Corporation to the gas company of the sum of five thousand pounds and the purchase shall be completed and the purchase money shall be paid on the thirtieth day of September one thousand eight hundred and ninety-three and if not then paid the Corporation shall pay to the gas company interest on the said sum of five thousand pounds at the rate of four pounds per centum per annum from the said thirtieth day of September until payment.

The receipt of any three directors of the gas company for the said sum of five thousand pounds and the interest thereon (if any) shall effectually discharge the Corporation therefrom and from being concerned to see to the application thereof and from being

A.D. 1893. answerable or accountable for the loss misapplication or non-application thereof.

The said purchase shall be evidenced by a duly stamped deed of conveyance which the Corporation shall within three months from the vesting in the Corporation of the said portion of the undertaking of the gas company produce to the Commissioners of Inland Revenue and in default of such production the ad valorem stamp duty together with interest at the rate of five pounds per centum per annum from the date of such vesting to the day of payment shall be a debt owing to Her Majesty and recoverable accordingly with all costs and charges attending the same.

The gas company shall apply the said sum of five thousand pounds only to purposes to which capital is properly applicable.

The gas company shall have the right to all the revenue and profits derived from or earned by the said portion of the undertaking up to the said thirtieth day of September one thousand eight hundred and ninety-three and shall pay all their debts and liabilities in respect of the said portion of their undertaking accruing up to that date.

From and after the completion of the said purchase the said portion of the undertaking of the gas company shall vest in the Corporation subject to all liabilities claims and demands whatsoever accruing after such completion in respect of any lands (if any) easements mains pipes apparatus and plant so to be purchased by the Corporation as aforesaid but freed and discharged from all other debts liabilities claims and demands whatsoever in any way affecting the gas company or their undertaking and the Corporation shall be authorised under and in accordance with the provisions as to the supply of gas by the Corporation contained in the former Acts and this Act to supply gas within the said portion of the said township and that portion shall no longer form part of the limits for the supply of gas by the gas company but shall form part of the gas limits of the Corporation. Section 37 of the Act of 1879 and the Saint Anne's-on-the-Sea Gas Order 1876 shall be read and construed accordingly. Provided that the maximum price to be charged by the Corporation for the gas supplied by them to consumers in the part of the said township which is without the borough shall not exceed five shillings and sixpence per one thousand cubic feet.

Provision for sale of portion of undertaking to other sanitary authorities.

**42.** If at any time after the passing of this Act any sanitary authority whose district is within the limits of the Corporation for the supply of gas shall give not less than six months notice in writing to the Corporation of their desire to purchase such portion of the gas undertaking of the Corporation as is contained within such district and shall obtain the consent of the Local Government

Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the gas undertaking of the Corporation (except the mains and pipes or other apparatus which shall be necessary for supplying with gas any other part of their limits for the supply of gas) and to supply gas within such district then it shall not be lawful for the Corporation to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Corporation shall sell and such sanitary authority shall purchase such portion of the undertaking of the Corporation (except as aforesaid) within the district of such sanitary authority at such price and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts and the Corporation shall apply the proceeds of any sale under this section in the same manner as they are required to apply money borrowed under the powers of this Act for the purposes of the gas undertaking of the Corporation. Provided always that any arbitrator or umpire in determining the sum to be paid by such sanitary authority for such portions of the gas undertaking of the Corporation shall if the Corporation so desire have regard to the circumstances under which the Corporation have obtained powers to supply gas under the provisions of this Act. Provided further that after the completion of such purchase all obligations on the part of the Corporation to supply gas within such district shall cease.

**43.** From and after the completion of the said purchase from the gas company the following provisions for the protection of the Lancashire and Yorkshire and London and North Western Railway Companies (in this section called "the railway companies") proprietors of the Preston and Wyre Railway shall within that portion of the limits for the supply of gas by the gas company which is now situate within the borough be in force and have effect and be binding on the Corporation:—

For protection of Lancashire and Yorkshire and London and North Western Railway Companies.

- (1) In laying down and executing or in effecting the repairs and renewals of any gas mains gas pipes or other gas works upon across over under or in any way affecting the railways lands or property now belonging to or used or occupied by the railway companies or the bridges approaches viaducts stations or other works or any level crossings of or repairable or used by the railway companies the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway companies and only according to plans and sections submitted to and in such manner as shall previously be reasonably approved by him and in all things by and at the expense of the Corporation who also shall

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restore and make good the roads over any such bridges level crossings and approaches which the railway companies are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Corporation and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of the traffic over such railways or any station thereon :

- (2) If the engineer of the Corporation and the principal engineer of the railway companies differ concerning the said plans and sections or concerning the execution of the said works or operations every such difference shall be settled by an engineer to be appointed by the said two engineers or if they cannot agree on such appointment then by an engineer to be appointed by the Board of Trade on the application of either party :
- (3) If any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such gas mains gas pipes or gas works under or near to any such bridge or level crossing the Corporation shall make compensation in respect thereof to the railway companies the amount of such compensation together with full costs to be recoverable from the Corporation by all and the same means as any simple contract debt is recoverable.

#### PART VIII.—TRAMWAYS.

Confirming purchase of tramway plant &c.

44. The said purchase by the Corporation of the works buildings carriages plant and property of the tramway company is hereby confirmed.

Corporation may in certain cases work tramways.

45. If the Corporation are unable to demise the tramways 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 contained in the Order of 1884 relating to the working of the tramways and the taking of tolls and charges therefor shall extend and apply mutatis mutandis to and in relation to the Corporation :

Provided that if at any time during such working by the Corporation any company make to the Corporation a tender in writing to take a lease of and to work the said tramways 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 at the same time offer to purchase the horses cars engines machines and fixed and movable plant of the Corporation not included in such lease at a price to be fixed unless otherwise agreed on between such company 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 at such rent and upon such terms and conditions and the powers of the Corporation to work the said tramways shall cease and determine.

A.D. 1893.

**46.** In the event of any of the tramways of the Corporation being worked by electricity the following provisions shall have effect:—

Provisions  
for protection  
of the Post-  
master  
General.

(1) The Corporation or their lessees or any person owning or working any of such tramways (who are herein-after in this section included in the expression "the Corporation") shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Corporation have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Corporation shall be bound to make any alterations in or additions to their systems which may be directed by the arbitrator:

(2)—(A) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster General (other than repairs or the laying of lines crossing the line of the Postmaster General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements

A.D. 1893.

(either general or special) as may from time to time be made by the Postmaster General for the purpose of preventing any telegraphic line of the Postmaster General from being injuriously affected by the said act or work ;

(B.) Any difference which arises between the Postmaster General and the Corporation or their agents with respect to any requirements so made shall be determined by arbitration :

(3) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :

(4) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

(5) For the purposes of this section a telegraphic line of the Postmaster General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :

(6) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Corporation were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section :

(7) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :

(8) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the

application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act: A.D. 1893.

- (9) Nothing in this section contained shall be held to deprive the Postmaster General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid.

47.—(1) With respect to the working of the tramways of the Corporation authorised by the Order of 1884 by electrical power not carried along with the carriages the following provisions shall have effect from and after the expiration of two years from the passing of this Act:—

- (A) The Corporation shall so maintain their electric circuits and other works of all descriptions and shall so work their said tramways in all respects as to prevent any injurious interference by induction leakage or otherwise with the electric circuits from time to time used by the Lancashire and Yorkshire Railway Company or the London and North Western Railway Company for the purpose of telegraphic telephonic or electric signalling communication or with any other electrical appliances in connexion with the railways of such companies or either of them or with the currents in such circuits:

For the protection of the electric systems of the Lancashire and Yorkshire and London and North Western Railway Companies

- (B) Seven days before commencing to supply electricity through any electric circuit in any manner whereby the work of telegraphic telephonic or electric signalling communication or any other electric appliances through any wires or lines lawfully laid down or placed in any position by the said company or companies may be injuriously affected the Corporation shall unless otherwise agreed with the said company or companies as the case may be give to such company or companies notice in writing specifying the course nature and gauge of such electric circuit and the amount and nature of the current intended to be sent along the same and the Corporation shall conform with such reasonable requirements as may from time to time be made by the said company or companies as aforesaid for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid:

- (C) If in the working use or maintenance of the said tramways or the electric circuits or other works of the Corporation the telegraphic telephonic or electric signalling communication or the electric circuits or any other electric appliance used by or in connexion with the railways of the said companies or either of them shall at any time or from time to time be interfered with

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or disturbed the said company or companies as the case may be shall and may execute and maintain all such needful and proper works as may be reasonably necessary for removing or obviating any such interference or disturbance Provided that the company or companies executing any works under this sub-section shall forthwith give notice thereof in writing to the Corporation specifying in such notice the particular interference or disturbance complained of and the character and extent of the works which are being executed in consequence thereof:

- (D) If any difference shall arise between the Corporation and the said railway companies or either of them as to the reasonableness of any requirements under sub-section (B) of this section or as to the necessity character extent or cost of the works executed under sub-section (c) of this section such difference shall be settled by the Board of Trade on the application of all or any of the parties and the reasonable cost of the construction and maintenance of the works executed under the said sub-section (c) or (in case of difference) of such of those works as the Board of Trade shall find to have been reasonably executed by the said railway companies or either of them as aforesaid shall be borne and paid by the Corporation and the decision of the Board of Trade upon any matter or difference referred to them under this sub-section shall be final:
- (E) The expression "the Corporation" in this section shall include their lessees and the licensees or any person owning or working any of the tramways of the Corporation:
- (F) Provided always that if the Corporation or the said railway companies or either of them at any future time apply to Parliament to repeal or amend the foregoing provisions in accordance with the report of a Joint Committee of both Houses of Parliament (whether such report shall or shall not be retrospective in its recommendations) the said railway companies or either of them or the Corporation as the case may be shall not be entitled to oppose such application except on details.

(2.) During the said period of two years the said company or companies may execute and maintain in connexion with their said electric circuits all such works as may be necessary for removing or obviating any such interference or disturbance and the cost of such works not exceeding the sum of one hundred and fifty pounds shall be repaid by the Corporation to the said company or companies as the case may require.

PART IX.—STREETS.

Corporation  
may define  
future line of  
streets.

48. Where any street is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage



the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of any such street. The line which in any case the Corporation propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the said line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain. No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street than such line.

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The Corporation may purchase the land lying between any such line as aforesaid and the centre of the street and the same when purchased shall vest in the Corporation as part of the street.

Wherever such line has been defined and prescribed the Corporation shall make full compensation to the owner and other persons immediately interested in any new building or land for any loss or damage they may sustain in consequence of the operation of this section. All compensation under this section shall in case of difference be settled by arbitration in manner provided by the Public Health Act 1875.

If after any such line shall be so defined and prescribed as aforesaid any person offends against this enactment he shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

**49.** No new street shall be laid out more than two hundred yards in length unless there shall be at every interval of two hundred yards of such length an intersecting street. Provided that in any case where this regulation cannot be enforced without considerable interference with property the Corporation shall be at liberty to waive or modify the above requirement as they may deem proper.

Intersecting streets.

If such intersecting street is intended only as a back approach to houses and not to have therein the principal entrance to any house or to form the approach to any other street the Corporation shall not be at liberty to require such intersecting street to be more than twenty feet in width.

**50.** The Corporation may by order from time to time determine and declare the points or limits at or within which any street is to be taken as beginning and ending.

Power to define streets.

**51.** Every continuation of an existing street shall for all purposes of the Public Health Acts and of this Act and of any

Continuations of existing

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streets to be  
deemed new  
streets.

byelaws made thereunder respectively and for the time being in force within the borough be deemed to be a new street and shall be of the full available width at the least of the street of which it shall be a continuation. Provided always that such new street shall in no case without the consent of the Corporation be of less available width than that specified in the byelaws for the time being in force. Provided also that this section shall not apply to or in the case of any continuation of any existing street the plan and section of which continuation shall have been approved of by the Corporation before the passing of this Act.

Recovery of  
damages  
caused by  
excavations.

**52.** If any street belonging to or under the management of the Corporation or any street in which the Corporation have executed any works under any provision in that behalf in force within the borough or any sewer drain pipe or electrical apparatus therein or thereunder be injured by or in consequence of any building operations on lands adjoining thereto or any excavations in on or under such street or lands the Corporation may repair or replace the street sewer drain pipe or apparatus so injured and all damages and expenses of or arising from such injury and repair or replacement shall be paid to the Corporation by the owner of the lands on which such building operations have been carried on or such excavation has been made and may be recovered by the Corporation in any court of competent jurisdiction.

Dangerous  
places to be  
repaired or  
enclosed.

**53.** With respect to the repairing or enclosing of dangerous places the following provisions shall have effect (namely):—

- (1) If any building wall steps structure or other thing or any well excavation or reservoir pond stream or dam or bank or any land is in the opinion of the Corporation for want of sufficient repair protection or enclosure dangerous to the occupiers of the neighbouring buildings or to the passengers along any street or footpath the Corporation may order the owner within the period specified in such order to repair remove protect or enclose the same so as to prevent any danger therefrom:
- (2) If after service of the order on the owner he shall neglect to comply with the requirements thereof within the prescribed period the Corporation may cause such works as they think proper to be done for effecting such repair removal protection or enclosure and the expenses thereof shall be payable by the owner and may be recovered in any court of competent jurisdiction.

The foregoing provisions of this section shall not be held as between any owner and occupier to deprive the owner of any right or remedy against the occupier under any covenant agreement or contract nor shall they extend or apply to any land embankment

road wall steps structure or other thing belonging to the land company and intended to be taken by the Corporation for the purpose of the North Shore Works.

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Any person offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

**54.** The entrance to any court shall not at any time after the commencement of this Act be closed or narrowed or built over or the height or headway thereof lowered without in every case the consent of the Corporation in writing.

Entrances to courts not to be closed &c. without consent of Corporation.

Any person offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

**55.** No building shall be erected (without the consent in writing of the Corporation) in any existing court on any land on which a building shall not be standing at the commencement of this Act and when in any existing court any buildings shall be burnt or pulled down to or below half the front elevation thereof such building shall unless the Corporation consent otherwise in writing be entirely pulled down and removed and shall not without such consent be rebuilt.

Existing courts not to be rebuilt.

Except in cases where the owner is prohibited by existing byelaws to erect a building on any building land in a court the Corporation shall make compensation to the owner of such building land for any loss or damage sustained by him in consequence of the building being so pulled down removed and not rebuilt or of no building being erected as the case may be and in case of dispute as to the amount of compensation to be made by the Corporation under this section the same shall be settled by arbitration in manner provided by the Public Health Acts.

Any person offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

**56.** No grating or opening to a coal shoot area vault or cellar shall be hereafter placed or constructed in or under the carriage-way or footway of any street except with the written consent of the Corporation and then only if formed of such materials and size and in such manner and subject to such terms and conditions as may be prescribed or approved by the surveyor in writing Any person offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Coal shoots vaults &c.

A.D. 1893.  
Chairs and  
seats for  
public use.

**57.** The Corporation may (except in Claremont Park as defined in this Act) from time to time place or authorise any person or persons to place seats or chairs for the use of the public in any street park gardens pleasure ground recreation ground or other public place and in the promenades or parades constructed under the powers of the Act of 1865 or this Act and may make byelaws for the use thereof and for preventing injury or damage thereto. The Corporation may if they think fit charge or allow such person or persons to charge a reasonable sum for the use of such chairs.

Covered  
shelters.

**58.** The Corporation may from time to time provide place and maintain on any public road or place and on any land of the Corporation and with the consent of the owners lessees and occupiers on any other land covered shelters for the protection of the public against wind and rain and may from time to time remove the same.

Public  
drinking  
fountains.

**59.** The Corporation may from time to time when and as they think it expedient put up and continue and from time to time remove or discontinue drinking fountains and cattle troughs with proper conveniences for the gratuitous supply of water for drinking and for watering of cattle horses and other animals at such fountains or troughs respectively and may furnish or discontinue such gratuitous supply (but for such drinking and watering only) and every person who shall wilfully use any water so gratuitously supplied elsewhere or otherwise than as herein-before mentioned shall for every such offence be liable to a penalty not exceeding forty shillings.

Prevention  
and removal  
of projections  
over streets.

**60.—(1)** Sections 69 and 70 of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall with respect to the borough extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projections from or at any building and whether erected before or after the passing of this Act which the Corporation may determine to be dangerous or an obstruction to the safe or convenient use of any street.

**(2)** After the passing of this Act it shall not be lawful for any person to place fix or hang any crane hoist windlass lamp lamp-post lamp-iron sign signboard signpost sign-iron showboard advertisement barber's pole flag pole or other pole pipe flag or banner or any other article or thing on to from against or in front of any building or land so as to project into or be upon or over any street or any part of any street beyond two feet from the front main wall of the house or building on either side of such street without the consent in writing of the Corporation first had and obtained which consent

may be for a limited time only and on such other terms and conditions as the Corporation think fit and every person who shall act in contravention of the terms and conditions (if any) of such consent or of any of the foregoing provisions of this section shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) Nothing herein contained shall affect any obstruction or projection at or from any building belonging to a railway company and existing at the passing of this Act if and so long as the same shall not be an annoyance or obstruction in the street or footway or shall not endanger or render less commodious the passage along the same street or footway.

**61.**—(1) It shall not be lawful for any railway company after the passing of this Act to affix or exhibit or permit to be affixed or exhibited upon any part of any bridge or viaduct over any street in the borough or any parapet of any bridge or viaduct which is under any such street any placards or advertisements except such as shall have been approved in writing by the Corporation which approval may be for such time and on such conditions as therein expressed and if any such placard or advertisement be affixed or exhibited the Corporation may remove the same at the cost of such company. Provided that nothing in this sub-section contained shall apply to any existing bridge or viaduct belonging to the Lancashire and Yorkshire and London and North Western Railway Companies or to any parapet or wall belonging to a railway company and not facing a street or shall extend to prevent placards or advertisements relating solely to the business of a railway company on the face of the abutments underneath any bridge or viaduct over any street or upon the parapet of any bridge or viaduct carrying any street over any such railway but nothing herein contained shall authorise the covering over with placards or advertisements of any white or glazed bricks or tiles or other material which any such company is under obligation to provide or maintain.

Regulations  
as to adver-  
tising on  
bridges  
vehicles &c.

(2) It shall not be lawful in any street in the borough to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Corporation which consent may be for such time and contain such terms and conditions as the Corporation think fit.

(3) It shall not be lawful to erect fix maintain or retain to upon or in connexion with any building or erection any sky-sign whether now existing or not except with the license in writing of the Corporation and in the event of such license being granted then only for such period not exceeding two years and under and subject to such terms and conditions as shall be therein prescribed:

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Provided that in any of the following cases a license of the Corporation under this sub-section shall become void namely :—

- (i.) If any addition to any sky-sign be made except for the purpose of making it secure under the direction of the surveyor ;
- (ii.) If any change be made in the sky-sign or any part thereof ;
- (iii.) If the sky-sign or any part thereof fall either through accident decay or any other cause ;
- (iv.) If any addition or alteration be made to or in the house building or structure on over or to which any sky-sign is placed or attached if such addition or alteration involves the disturbance of the sky-sign or any part thereof ;
- (v.) If the house building or structure over on or to which the sky-sign is placed or attached become unoccupied or be demolished or destroyed :

Provided also that if any sky-sign be erected or retained contrary to the provisions of this Act or after the license for the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Corporation to take proceedings for the taking down and removal of the sky-sign in the same manner and with the same consequence as to recovery of expenses and otherwise in all respects as if it were a dangerous building within the meaning of the former Acts and this Act.

(4) Any person acting in contravention of any of the provisions of this section or of the terms and conditions (if any) of any approval license or consent under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(5) The word "street" in this section includes any present or future street but shall not include any approach road to any station of any railway company being the property of such company.

#### PART X.—BUILDINGS.

Definition of building.

**62.** For the purposes of this part of this Act and of the Public Health Acts and of any byelaw made thereunder respectively the expression "building" (including "new building" as defined in this Act) shall include any erection or construction of a permanent character (not being a sewer or drain gas or water pipe) whether of masonry brickwork wood iron or other materials and whether under or above the natural ground level and whether intended for human habitation or for trade or any other purpose whatever.

What to be deemed new buildings.

**63.** From and after the passing of this Act—

The erection of any building ;

The re-erection wholly or partially on the same site of any building of which an outer wall is pulled down to or within

- ten feet of the surface of the adjoining ground and of any frame-building so far pulled down as to leave only the framework of the ground-floor storey thereof ;
- The conversion into or using as a dwelling-house of any building or part of a building not originally constructed for human habitation ;
- The conversion into or using as one dwelling-house of two or more buildings constructed originally as separate dwelling-houses ;
- The conversion into or using as two or more dwelling-houses of any building constructed originally as one dwelling-house ;
- The conversion of a building which when originally erected was legally exempt from the operation of any building byelaws in force within the borough into a building which had it been originally erected in its converted form would have been within the operation of those byelaws ;
- The re-conversion into or using as a dwelling-house any building which has been discontinued as or appropriated for any purpose other than a dwelling-house ;
- The conversion into or using as part of a dwelling-room of any room or part of a room used as a shop ;
- The making of any addition to an existing building by raising any part thereof or making any projection therefrom but so far as regards such addition only ; and
- The roofing or in any manner covering over an open space between walls or buildings ;
- shall for all the purposes of this part of this Act and of the Public Health Acts and of any byelaw thereunder respectively be deemed to be the erection of a new building.

**64.** There shall be exempted from so much of the provisions of this Act as relates to buildings and structures— Exemptions.

- (A) Every building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service ;
- (B) Every building (not being a dwelling-house) structure or work in the possession of and used or intended to be used for the purpose of any railway company under the provisions of any Act of Parliament except with respect to drains or other sanitary appliances ;

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(c) Buildings expressly exempt from the operation of the Acts or byelaws for the time being in force within the borough with respect to new buildings ;

(d) The respective undertakings of the pier companies except for the purposes of police and matters of drainage or other sanitary details.

Buildings abutting on streets.

**65.** For the purposes of the Public Health Acts and this Act buildings shall be deemed to be in a street when they abut upon a street or when they have an access covered or uncovered to a street.

Alterations to old buildings.

**66.** Any alteration addition or other work made or done for any purpose except that of necessary repair not affecting the construction of any external or party wall in to or upon any old building or in to or upon any new building after the roof has been covered in shall to the extent of such alteration addition or work be subject to all enactments byelaws and regulations that new buildings in the borough are from time to time subject to.

Buildings not to be altered so as to contravene byelaws.

**67.** No building shall be added to or altered in such a way that if it had originally been constructed with such addition or as so altered it would have contravened any byelaw in force in the borough at the time of the making of such addition or alteration Any person offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Back streets to dwelling-houses.

**68.** Every new continuous line of dwelling-houses shall unless the Corporation otherwise allow have provided and set out in connexion with them one or more back streets twelve feet wide in such manner as to afford access for carts to the back of every house in such continuous line of dwelling-houses and such back streets shall be kept free from any obstruction and uncovered.

Courts &c. to be flagged.

**69.** The owner or owners of any existing or future court yard or passage used in common by two or more occupiers (not being a public highway adopted and kept in repair by the Corporation) or of any part of such court yard or passage shall flag asphalte concrete or pave such court yard or passage or part thereof and make a drain through or along the same or such part thereof as the Corporation require and keep such flagging asphaltting concreting or paving and drain in good repair to the satisfaction of the Corporation and if any such owner or owners for one month after notice in writing from the Corporation fail in any respect to comply with this provision he or they shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Corporation



[56 & 57 VICT.] *Blackpool Improvement Act, 1893.* [Ch. lxxxvi.]

may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners summarily. A.D. 1893.

**70.** The back yards of all houses which shall be built after the passing of this Act shall in all cases when the Corporation shall so require be formed with such fall and shall for the space of at least one hundred and fifty square feet in such part or parts as the Corporation shall direct be flagged or asphalted or paved with such materials as shall be satisfactory to the Corporation for the purpose of carrying off the surface water to the drains of such houses and if the back yard of any house erected before or after the passing of this Act shall not be so formed flagged asphalted or paved as to allow of the surface water being carried off as aforesaid the Corporation may give to the owner of such house notice in writing requiring him within three months after such notice shall have been so given to form and to flag asphalt or pave such back yard so as to allow of the surface water being carried off to the drain of such house and if such owner shall make default in complying with any of such requirements to the satisfaction of the Corporation within the time aforesaid he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. Drainage of back yards.

**71.** Whenever any open space exclusively belonging to the owner of any building in the borough has in accordance with the byelaws for the time being in force been left in the rear or at the side of such building it shall not be lawful to erect any building whatsoever upon such open space so as to diminish the prescribed open space nor shall such open space be calculated in providing the prescribed open space for or in connexion with any other building which may be erected. As to open spaces about buildings.

Any person offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

**72.** The owner of any oven to be used by any baker for the first time after the passing of this Act and of any furnace to be used by any tradesman or artificer for the first time after the passing of this Act shall construct a wall of not less than nine inches in thickness between the fire of the oven or furnace and the wall of the building in which such oven or furnace shall be and such wall shall be constructed above below and around the oven or furnace to the satisfaction of the Corporation. Ovens and furnaces to have protecting walls.

Any person offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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PART XI.—SEWERAGE.

Extension of section 41 of Public Health Act 1875.

**73.** In cases where two or more houses are connected with a single private drain which conveys their drainage into a public sewer the Corporation shall have all the powers conferred by section 41 of the Public Health Act 1875.

For the purposes of this section the word "drain" includes a drain used for the drainage of more than one building.

Byelaws as to sewers &c.

**74.** The Corporation may from time to time make byelaws for all or any of the following purposes:—

- (1) For regulating and prescribing the mode of construction of all new sewers hereafter to be made within the borough;
- (2) For regulating the mode in which the communications between any new street and any existing streets are to be effected;
- (3) For regulating the level at which the ground floor of any new building intended for human habitation is to be with reference to the adjoining ground;
- (4) For prescribing the forms of notices to be given by any person proposing to construct a drain to communicate with a sewer under the control of the Corporation.

PART XII.—SANITARY PROVISIONS.

Power to prohibit cellars in districts liable to floods.

**75.** The Corporation may from time to time unless such precautions as they may require are taken prohibit in any part of the borough liable to be flooded the construction of any cellar or underground storey in any dwelling-house and may by order regulate the level of the ground floor of any new building in such part of the borough and any person who shall act in contravention of any such prohibition or order shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

Slaughter-houses not to communicate internally with dwelling house.

**76.** There shall not be any internal communication or opening between any dwelling-house and any slaughter-house and any person who shall let or wilfully occupy or use any dwelling-house or slaughter-house having such communication or opening shall be liable to a penalty not exceeding five pounds and to a daily penalty of not exceeding forty shillings.

Summary power to provide sinks and drains for buildings.

**77.** In addition to all other powers vested in the Corporation the Corporation if it shall appear to them on the report of the surveyor 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.

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**78.** The person to whom under section 65 (As to soil pipes &c.) of the Act of 1879 notice is to be sent and the person who under that section shall be liable to a penalty for any offence thereunder shall be the person who is the owner of the building.

Amending section 65 of Act of 1879.

**79.**—(1) The owner of every dwelling-house in or in connexion with which pails or tubs are used in the privies or in or in connexion with which ash-tubs are used for the deposit of ashes shall if so required by the Corporation obtain the regulation pails or tubs or ash-tubs as the case may be prescribed by the Corporation and such owner shall keep in proper and sufficient repair the pails tubs or ash-tubs so obtained and in case the owner of any dwelling-house use any pail or tub or ash-tub not prescribed by the Corporation or shall fail to keep the same in such repair he shall for every such offence be subject to a penalty not exceeding twenty shillings and to a daily penalty not exceeding twenty shillings.

Regulation pails and tubs for privies &c.

(2) The Corporation shall provide for sale or hire such pails tubs and ash-tubs.

**80.** The Corporation may in addition to any other remedy make a reasonable charge on the occupier of the building to which a privy tub pail ash-pit closet or cesspool belongs or is appurtenant for the emptying or removal of any refuse rubbish or material other than house refuse.

Charge for emptying privies &c.

**81.** Whenever the medical officer of health has reasonable grounds for believing that the drains connected with any house or building are defective so as to cause risk to health he may after twenty-four hours notice and (except in the case of houses let in separate dwellings) with the consent of the owner or occupier of such house or building or in the event of objection by any such owner or occupier after obtaining the order of two justices apply the smoke test or other test to such drains for the purpose of discovering the defect Any owner or occupier who refuses

Owners &c. to permit application of smoke test to drains.

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notwithstanding such order to allow such tests to be made or to give all reasonable facilities for making such tests shall be liable to a penalty not exceeding forty shillings. If the drains be found defective the owner of the premises shall be bound (subject to the terms of any lease or other contract) on receiving notice from the Corporation to that effect specifying generally the nature of the defect to carry out all necessary operations for remedying the same within a time to be named in such notice and if he makes default in so doing the Corporation may enter and execute the work and recover the expenses thereof from the owner or other person liable under the lease or contract in a summary manner or as private improvement expenses are recoverable under the Public Health Acts.

Provision as to filling up cesspools &c.

**82.** If it shall appear to the Corporation by the report of the medical officer of health surveyor or inspector of nuisances that any cesspool or other receptacle used or formerly used as a receptacle for excreta or other obnoxious matter or for the whole or any part of the drainage of a house or any ash-pit or any well or disused well 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 or occupier of such house or part of a house within a reasonable time to be specified in the notice to cause such cesspool receptacle ash-pit or well to be filled up or removed and any drain communicating with such cesspool or receptacle to be effectually disconnected destroyed and taken away.

Where it appears that any such cesspool receptacle ash-pit or well is used in common by the occupiers of two or more houses or parts of houses the notice for the filling up or removal of any such cesspool receptacle ash-pit or well may be served on any one or more of the owners or occupiers of such houses and it shall not be necessary to serve such notice on all such owners or occupiers.

If default is made in complying with the requisitions of a notice under this section the Corporation may themselves carry out the requisitions and may recover the expenses incurred by them in so doing from the owners or occupiers in default in a summary manner or as private improvement expenses are recoverable under the Public Health Acts.

Any person offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

**83.** The Corporation may if they think fit require any person who shall lay out a new street to provide separate sewers for surface

Separate sewers for surface water &c.

water and for sewage respectively in those parts of the borough in which the Corporation shall have provided or are in course of providing separate systems of sewerage for surface water and sewage respectively. A.D. 1893.

**84.** Any person on whom an order is made under section 70 of the Public Health Act 1875 who fails to comply with such order shall (without prejudice to any right of the Corporation to pursue any other remedy which they would be entitled to pursue if this Act had not been passed) be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding ten shillings. Penalty on non compliance with order under section 70 of Public Health Act 1875.

**85.** The Corporation may from time to time contribute such capital sum or sums as the Local Government Board approve for or towards the purpose of erecting or enlarging any hospital infirmary or dispensary in the borough or for any other purpose connected therewith to which capital is properly applicable and may also from time to time contribute annually to the funds of any such hospital infirmary or dispensary such sum as they may think fit towards the expenses of reception and maintenance therein of persons being inhabitants of the borough. Any such contributions may be made on such terms and conditions as may be agreed between the governing body of any such hospital infirmary or dispensary and the Corporation and the Corporation may make such contributions out of any of their funds rates or revenues and if out of more than one then in such proportion as they may determine. Power to contribute to funds of hospitals &c.

**86.** The Corporation may from time to time make byelaws for all or any of the following purposes (that is to say):— Power to make byelaws as to hospitals &c.

For regulating the admission to and discharge of patients from any hospital (temporary or otherwise) provided by them and the conduct of patients therein and for preventing persons from entering such hospitals or the grounds thereof except with the consent of and subject to such conditions as may be imposed by the Corporation.

**87.** The words “without proper lodging or accommodation” in section 124 (Removal of infected persons without proper lodging to hospital by order of justice) of the Public Health Act 1875 shall be construed to include any person without proper lodging or accommodation having regard to the danger of infection to other persons in the same house. Explaining section 124 of Public Health Act 1875.

#### PART XIII.—FIRES &c.

**88.**—(1) The captain or superintendent of the fire brigade of the Corporation or other officer of such fire brigade for the time being Captain of fire brigade or other

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officer to have control of operations at fires.

in charge of the engine or other apparatus for extinguishing fires attending at any fire within the borough shall from the time of his arrival and during his presence thereat have the sole charge and control of all operations for the putting out of such fire whether by the Corporation or any other fire brigade including the fixing of the positions of fire engines and apparatus the attaching of hose to any water pipes or water supply and the selection of the parts of the building on fire or of adjoining buildings against which the water is to be directed.

(2) The chief constable or in his absence such captain superintendent or other officer in charge shall have power to stop or regulate the traffic in any street whenever in his opinion it is necessary or desirable to stop or regulate such traffic for the purpose of extinguishing any fire or for the safety or protection of life or property.

(3) Any person who during a fire wilfully disobeys any lawful order of any such officer of the fire brigade of the Corporation shall be liable to a penalty not exceeding five pounds.

Power to police constable &c. to enter and break open premises in case of fire.

89. Any police constable and any member of the fire brigade of the Corporation being on duty may enter and if necessary break into any building in the borough being or reasonably supposed to be on fire or any buildings or lands adjoining or near thereto without the consent of the owner or occupier thereof respectively and may do all such acts and things as he may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

Compensation to firemen.

90. If any fireman employed by the Corporation suffers in the discharge of his duty bodily injury or loss of life the Corporation may give to him or to his widow and children (if any) or any of them such compensation as might be paid under like circumstances to a police constable his widow or children as the case may be.

Firemen's cottages.

91. The Corporation may from time to time erect on any land belonging to them and not specifically appropriated to other purposes such cottages as they think fit for the habitation of their firemen and may let the said cottages or any of them to such firemen on such terms and conditions at such rent or free from rent as the Corporation think fit.

#### PART XIV.—CLEANSING WATERCOURSES.

Penalty for throwing rubbish &c. into water-courses.

92. Every person who throws casts or deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any watercourse within the borough shall for every such offence

be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. A.D. 1893.

**93.** Any stream or watercourse or outfall for water or any part or parts thereof respectively within the borough so choked up with weeds or other growth or so silted up as in either case to lessen the proper flow or usual effectual drainage of water through the same shall be deemed a nuisance within the meaning of the ninety-first section of the Public Health Act 1875 and all the provisions relating to nuisances of that Act shall apply to every such stream watercourse or outfall for water notwithstanding that the same may not be injurious to health. Stream &c. choked up to be a nuisance under Public Health Act 1875.

**94.** Where any stream or watercourse or outfall for water or any wall dam or other defence against water or any part or parts thereof respectively within the borough shall not be cleansed repaired or otherwise maintained in a due state of efficiency to prevent any obstruction to the proper flow of the water through or along the same or the overflow of water therefrom to the satisfaction of the Corporation the Corporation may resolve that such stream or watercourse or outfall for water or such wall dam or other defence against water or such part or parts thereof respectively shall be cleansed repaired or otherwise placed in such due state of efficiency by the respective owners or occupiers of the lands or premises fronting adjoining or abutting thereon within a time to be specified in such resolution. Corporation may resolve that water-courses be cleansed by owners or occupiers.

**95.** The Corporation shall cause a specification of the works intended to be executed under the last preceding section and an estimate of the probable cost thereof to be made under the direction of the surveyor and such specification shall be deposited in the offices of the surveyor and shall be open during office hours for the inspection of all persons interested therein during the time specified in such resolution. Specification and estimate of work.

**96.** The Corporation shall forthwith cause notice of such resolution to be published once in each of two successive weeks in some newspaper circulating within the borough and to be posted at the town hall and also in or near the place to which it relates and such publication shall be sufficient notice of such resolution to all owners and occupiers and other persons interested. Publication of resolution.

**97.** If such resolution be not complied with the Corporation may if they think fit execute the works mentioned or referred to therein or any supplementary works necessarily arising from the execution of such works and the expenses incurred by them in so doing shall On failure to comply with resolution Corporation may execute works.

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be deemed to be private improvement expenses and be recoverable accordingly from the owners in default according to the frontage of their respective lands and premises abutting on or adjoining the said works and in such proportions as may be settled by the surveyor or in case of dispute by arbitration in manner herein-after mentioned Provided always that where such expenses have been settled and apportioned by the surveyor as payable by any owner such apportionment shall be binding and conclusive on such owner unless within one month from the service on him by the surveyor of a statement of the amount due from such owner he shall by written notice dispute the same and every such dispute shall be settled by arbitration in manner provided by the Public Health Act 1875.

Corporation empowered to take proceedings for preventing obstructions in water-courses.

**98.** The Corporation may take such proceedings by indictment action or otherwise as they may deem advisable for the purpose of preventing the obstruction of any watercourse or outfall for water within the borough or for the removal of any obstruction from any watercourse or outfall for water and for preventing the improper storage of the water of any watercourse or outfall for water or for preventing the improper discharge of any storage waters into any watercourse or outfall for water passing through the borough or any part thereof whether such discharge takes place in the borough or not.

Exemption for railway companies.

**99.** The provisions of this part of this Act shall not extend or apply to any stream watercourse or outfall for water under or adjoining the railways of the Lancashire and Yorkshire and London and North Western Railway Companies.

#### PART XV.—LICENSES.

Licenses to coke hawkers.

**100.** The Corporation may in pursuance of section 76 of the Act of 1879 grant licenses to carry on the business of hawker of coke in addition to the businesses named in that section.

Penalty on persons misrepresenting themselves to be licensed.

**101.** If any person while unlicensed represents himself to be licensed or wears any badge for the purpose of so representing himself as licensed to carry on any of the callings which the Corporation are authorised to license he shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

Licenses need not be under seal.

**102.** Licenses granted by the Corporation need not be under the seal of the Corporation but may be granted under the hand of the town clerk.



PART XVI.—HACKNEY CARRIAGES.

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**103.** The inspector of hackney carriages and any police constable of the borough may from time to time examine all hackney carriages and omnibuses plying for hire within the borough and shall see that the laws and byelaws relating to hackney carriages and omnibuses are duly observed. If any proprietor driver or conductor or other person shall obstruct or hinder such police constable or inspector in the execution of his duties he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Powers of  
inspector of  
hackney  
carriages.

**104.** An occasional license for a hackney carriage or omnibus may be granted by the Corporation to be in force for such day or days or other period less than one year as may be specified in the license.

Provisions as  
to licenses.

**105.** The provisions of the former Acts and of the Town Police Clauses Act 1847 as extended by this Act and of any byelaws thereunder with respect to the fares to be charged by the drivers of hackney carriages plying for hire within the borough shall be as fully applicable in all respects to hackney carriages conveying passengers to or from any railway station within the borough as if such railway station were a public stand for hackney carriages.

Hackney  
carriage &c.  
fares to or  
from railway  
stations.

**106.** Every person who fraudulently or with intent to deceive does any of the following things (namely):—

Penalty for  
fraudulent  
use of  
numbers and  
badges.

(1) Affixes or places on any carriage or cart any figure or number to resemble any figure or number appointed by the Corporation to be affixed to any hackney carriage;

(2) Affixes or carries on his person any badge figure or number to resemble any badge figure or number appointed by the Corporation to be carried by a licensed driver or conductor;

(3) Alters or erases whilst any license granted by the Corporation in respect of any vehicle is in force any number painted thereon or affixed thereto by direction of the Corporation or any officer of the Corporation authorised in that behalf;

(4) Affixes or carries on his person any badge figure or number assigned by the Corporation or by any duly authorised officer of the Corporation to any other person;

shall be liable to a penalty not exceeding forty shillings.

**107.** Nothing in this Act or in the Town Police Clauses Act 1847 shall extend to or empower the Corporation in any way to interfere with any carriage or omnibus belonging to or hired or used by any railway company for conveying passengers and their luggage to or from any railway station or to or with the drivers or conductors

Exemption  
for carriages  
of railway  
companies.

A.D. 1893. — thereof unless such carriage or omnibus plies for hire in like manner as an ordinary hackney carriage.

PART XVII.—COMMON LODGING-HOUSES.

Regulations  
as to com-  
mon lodging-  
house  
keepers.

**108.** 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 appointed in this behalf by the Corporation shall with the approval of the Corporation in writing under the hand of the town clerk (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 and the Corporation may whenever they consider such person so appointed is not a fit person for the duty appoint and employ another person for the purpose and may recover in a summary manner any moneys paid to such person for his services from the common lodging-house keeper whose duty he performed.

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.

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

**109.** Every common lodging-house whether registered before or after the passing of this Act shall be provided with sufficient sanitary conveniences having regard to the number of lodgers who may be received in such common lodging-house and all waterclosets 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.

For the purposes of this section sanitary conveniences shall include urinals water and earth closets privies ash-pits and any similar conveniences.

Penalties on  
unregistered  
common  
lodging-  
house  
keepers.

**110.** 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 the penalties imposed by section 86 of the said Act for the offences named therein.

**111.** 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.

A.D. 1893.  
Power to refuse registration of common lodging-house keeper.  
Cancellation of registration of common lodging-house keeper.

**112.** 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.

PART XVIII.—LANDS.

**113.** Subject to the provisions of this Act the Corporation may enter on take and use all or any part of the lands described in the deposited plans and book of reference which they may require for the purposes of this Act:

Power to Corporation to take lands referenced.

(A) Provided as follows (that is to say) The Corporation shall not for the purposes of this Act except with the consent of the land company in writing enter upon take or use any lands belonging to the land company delineated on the deposited plans and described in the deposited book of reference and coloured blue on the land plan but the Corporation may acquire and the land company may and shall upon the request in writing of the Corporation grant and convey to and at the cost of the Corporation but free of purchase or compensation money payable to the land company such an easement as may be necessary to enable the Corporation to construct and maintain in or under such lands such shelters (not exceeding in width from west to east fifteen feet) as they think fit in connexion with the North Shore Works Provided that all persons entitled to the use of Claremont Park as herein-before defined may pass and repass on foot or in bath or sedan chairs only upon and over such portion of the top of such shelters as may be constructed westwards of the said lands coloured blue on the land plan:

(B) This section shall not apply to any lands belonging to the owners of property in Carlton Terrace which are coloured blue on the said plan signed by Thomas Loftos the town clerk and by William Joseph Dickson and John Wilding.

**114.** If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of

Correction of errors omissions &c.

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reference the Corporation after giving ten days notice to the owners lessees and occupiers of the land in question may apply to two justices (not being members of the council) for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Lancaster and a duplicate thereof shall also be deposited with the parish clerk of the parish of Bispham and such certificate and duplicate respectively shall be kept by such clerk of the peace and parish clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Owners may be required to sell parts only of certain lands and buildings.

**115.** And whereas in the construction of the improvements and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of certain of the lands and buildings shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the lands and buildings described in the Fourth Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Corporation the portions only of the premises so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Limitation of time for compulsory purchase of lands.

**116.** The powers of the Corporation for the compulsory purchase of lands shall not be exercised for the purposes of this Act after the expiration of three years.

Power to take easements &c. by agreement.

**117.** 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 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.

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**118.** The Corporation may for the purposes of this Act (in addition to any lands they are authorised to acquire and hold under the other powers of this Act) from time to time by agreement acquire in fee either by purchase or by way of exchange or otherwise any land not exceeding in the whole five acres and any right easement or privilege therein thereunder thereover or thereupon (not being an easement of water) but the Corporation shall not create or permit a nuisance on any such lands.

Power to acquire additional lands.

**119.** The consideration for any such acquisition may be either money or land or a mixed consideration of money and land.

Consideration for such acquisition.

**120.**—(1) The Corporation shall not under the powers of this Act without the consent of the Local Government Board take ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

Restriction on taking houses of labouring class.

(2) For the purposes of this section the expression "labouring class" means and 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 of such persons who may be residing with them.

**121.** Notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired by them under this Act and may sell and exchange and dispose of any rents reserved on the sale exchange lease or disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other

Power to retain sell &c. lands.

A.D. 1893. disposition and on any exchange may give or take any money for equality of exchange.

As to consent of Local Government Board to sale &c. of lands.

**122.** Nothing in this part of this Act shall be taken to dispense with the consent of the Local Government Board to any sale lease or other disposition of any lands of the Corporation in any case in which the consent of the Board would have been required if this Act had not been passed.

PART XIX.—RATES AND FINANCE.

Expenses of execution of Act.

**123.** All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except such of them as are to be paid out of borrowed money or are by this Act otherwise expressly provided for) shall be paid as follows (that is to say):—

Sanitary expenses out of the district fund and general district rate;

All other expenses out of the borough fund and borough rate.

As to rating of the pier companies.

**124.** From and after the expiration of five years from the passing of this Act all rates leviable by the Corporation on the pier companies respectively in respect of their respective pier undertakings shall be assessed on the full net annual value of those respective undertakings ascertained by the valuation list for the time being in force or if there be none by the rate for the relief of the poor made next before the making of such assessment and subsections 3 4 and 5 of section 17 (For the protection of the Blackpool Pier Company) of the Act of 1879 shall from and after that date be repealed and section 18 (For the protection of the South Blackpool Jetty Company Limited) of the same Act shall be read and construed accordingly.

Provision for rating new buildings.

**125.** Where in pursuance of section 38 of the Poor Law Amendment Act 1868 the occupier of any new house or other building shall be entered in the poor-rate book the Corporation may make a similar entry in the general district rate book and the borough rate book or other rate book of the Corporation and where the occupier of any new house or other building which would be assessable to the poor rate is not entered in the said poor-rate book at the making or during the currency of any rate or rates as next hereinafter mentioned the Corporation may value the same house or other building not so entered under section 102 of the Act of 1879 and make an entry thereof in the said general district rate book and the borough rate book or other rate book of the Corporation and such occupier in each of the two cases in this section above named shall thereupon be considered as actually rated to the current general district rate and borough rate or other rate leviable by the

Corporation from the date of the last-mentioned entry and shall be liable to pay the sum assessed to those rates (less a proportionate sum for the time which shall have elapsed from the making of the current rates to the date of the last-mentioned entry) in like manner and with the like power of appeal as if he had been assessed for the same when such general district rate and borough rate or other rate leviable by the Corporation were made and the power to rate owners instead of occupiers in certain cases and the provision as to the assessment of certain property on a reduced estimate and other the provisions of section 211 of the Public Health Act 1875 shall so far as the same are applicable apply to the assessment authorised by this section.

The words "house or other building" in this section shall for the purposes thereof be deemed to include any rateable hereditament.

This section shall not apply to any building belonging to or occupied by a railway company and used or intended to be used exclusively for the purposes of their business as a railway company.

**126.** The overseers or assistant overseers whose duty it is to have charge of the books or assessments of rates for the relief of the poor or the valuation lists for the townships wholly or in part within the borough shall produce the same respectively at the office at Blackpool of such assistant overseer to any officer of the Corporation appointed for the purpose who shall require such production and such officer may there inspect the same and may make or cause to be made copies of or extracts therefrom.

As to production &c. of rate books &c.

If any such overseer or assistant overseer or any other person in whose custody or power the said books assessments or valuation lists are or ought to be fail so to produce the same or any of them or to permit copies of or extracts from the same so to be made he shall be liable to a penalty not exceeding twenty pounds.

**127.** The Corporation may from time to time in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Acts or any public general Act borrow at interest on the following securities and for the following purposes the following sums (that is to say) :—

Power to borrow.

On the security of the borough fund and borough rate—

For paying the costs charges and expenses of and in relation to this Act as herein-after defined the sum requisite for the purpose ;

For the purposes of the North Shore Works fifty thousand pounds ;

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For the purchase of the works buildings carriages plant and property of the tramway company the sum of fifteen thousand seven hundred and fifty pounds ;

For tramway purposes such sums as the Local Government Board may sanction :

On the security of the district fund and general district rates—

For the purchase of the reversion of the leasehold land occupied by the Corporation for market purposes the sum necessary for that purpose ;

For the purchase of the said portion of the undertaking of the gas company the sum of five thousand pounds ;

For the erection of lodges refreshment and retiring rooms and conveniences in connexion with their markets and slaughter-houses such sums as the Local Government Board may sanction ;

For the purposes of hospitals infirmaries and dispensaries such sums as the Local Government Board may sanction :

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

Incorporation of certain provisions of Public Health Act.

**128.** The following provisions of the Public Health Act 1875 (that is to say) :—

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

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

and

Section two hundred and thirty-eight (Transfer of mortgages) ; shall extend and apply mutatis mutandis to and in relation to mortgages made under the powers of this Act.

As to repayment of borrowed moneys.

**129.** With respect to the repayment of moneys to be borrowed under the powers of this Act the following provisions shall have effect (that is to say) :—

The Corporation shall repay or make provision for repaying—

All moneys borrowed under the powers of this Act for payment of the costs thereof in any period not exceeding five years from the date of the borrowing of the same ;

All moneys borrowed for the purposes of the works by this Act authorised in any period not exceeding fifty years from the date of the borrowing of the same ;

All moneys borrowed for gas purposes in any period not exceeding twenty years from the date of the borrowing of the same ;



All moneys borrowed for purchase of the said reversion in land used for market purposes in any period not exceeding sixty years from the date of the borrowing of the same ;

All moneys borrowed for the purchase of the works buildings carriages plant and property of the tramway company in any period not exceeding twenty-five years from the date of the borrowing of the same ;

All moneys borrowed under the powers of this Act for other tramway purposes in such period not exceeding thirty years from the date of the borrowing of the same as the Local Government Board may sanction ;

All other moneys borrowed under the powers and for the other purposes of this Act in such period not exceeding sixty years from the respective dates of the borrowing of the same as the Local Government Board may in every such case sanction :

The repayment of the moneys borrowed under and for the purposes of this Act shall be made within the periods prescribed by this Act or as the case may be by the Local Government Board either by equal annual instalments of principal or of principal and interest or by paying annually throughout the prescribed periods into the sinking fund such several equal sums as will with accumulations by way of compound interest at the rate of three pounds ten shillings per centum per annum accumulated at compound interest throughout the respective periods be sufficient to pay off those moneys respectively within the prescribed periods :

Provided that in case at any time the principal sums to be repaid are reduced by the application to such repayment of the proceeds of the sale or disposition of land or other moneys received on capital account other than borrowed moneys the payments to the sinking funds may be reduced to such extent and upon such terms as may be from time to time approved by the Local Government Board :

The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is established Provided that they pay into the fund each year and accumulate at compound interest at the rate of three pounds ten shillings per centum per annum until the expiration of the full period allowed for repayment of the sum so paid off a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied at the rate of three pounds ten shillings per centum per annum :

The Corporation may at any time apply the whole or any part of any sinking fund in the purchase for extinction of their own securities although at a premium :

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Provided that in the event of any such purchase the payments to such sinking fund shall if required by the Local Government Board be increased to such extent and upon such terms as may from time to time be approved by that Board :

The Corporation shall pending the application of any sinking fund in repayment of debt invest the same and the dividends interest and annual income thereof in the purchase of Exchequer bills or other Government securities or in securities in which trustees are by law for the time being authorised to invest or in mortgages debentures debenture stock or other securities issued by any local authority as defined by section 34 of the Local Loans Act 1875 other than the Corporation the Corporation being at liberty from time to time to vary and transpose such investments :

Provided always that if in any year the income produced by the investments of the sinking fund is at a rate that falls short of the prescribed rate of accumulation for such fund the Corporation shall forthwith make good such deficiency out of the rates or revenues liable to make the equal annual payments to the fund :

Provided also that in case in any year the income received from investments of any sinking fund is in excess of the fixed rate of accumulation any such excess may be applied by the Corporation in reduction of the other payments to the fund :

The first payment to the said sinking funds in respect of the moneys borrowed under this Act shall be made within twelve months after the respective dates of borrowing.

Power to  
re-borrow.

**130.** The Corporation may from time to time re-borrow any money borrowed or to be borrowed by them under this Act and paid off otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale or disposition of land or out of other moneys received on capital account not being borrowed moneys :

Provided always that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing is made and any moneys from time to time re-borrowed shall be deemed to form the same loan as the money in lieu of which such re-borrowing has been made and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

Reserve fund  
for hulking  
or sea-wall.

**131.** The provisions in Article II. of the Order of 1888 as to a reserve fund to meet any extraordinary claim or demand arising from accident to the sea-wall of the borough commonly known as the hulking shall be taken to be applicable to the North Shore Works and the words "not more than twopence in the pound" and

the words "fifteen thousand pounds" shall be respectively substituted in Article II. of the said Order for the words "one penny in the pound" and the words "ten thousand pounds" respectively therein contained. A.D. 1893.

**132.** 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 purposes 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 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 enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court. The provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

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

**133.** All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable.

Application  
of borrowed  
moneys.

**134.** The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan

Corporation  
not to regard  
trusts.

A.D. 1893. — stands in the register book of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trust to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss mis-application or non-application of any of such money.

For protection of lenders.

**135.** A person lending money to the Corporation shall not be bound to inquire as to the observance by them of any provision of this Act or be bound to see to the application or be answerable for any loss mis-application or non-application of such money or of any part thereof.

Power to borrow under Local Loans Act 1875.

**136.**—(1) The Corporation may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed by the Corporation in manner by this section authorised shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under this Act and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the time by this Act prescribed in that behalf.

(2) All moneys paid into any sinking fund formed for the purpose of such discharge shall be invested or applied by the Corporation in the manner in which sinking funds are by this Act authorised to be invested or applied.

Closing of transfer books.

**137.**—(1) The Corporation or the treasurer may as regards any portion of corporation stock or mortgage loans or other securities for loans to the Corporation close the corporation transfer books for such stock mortgage loans or other securities for a period not exceeding fifteen days immediately preceding the 1st day of January and the 1st day of July in every year.

(2) The persons who on the day of such closing are inscribed as Corporation stockholders mortgagees or other obligees shall as between them and their transferees of corporation stock mortgage loans and other securities be entitled to the dividend or interest or other periodical payment next payable thereon.

**138.**—(1) The Corporation or the treasurer before the registration in the books of the Corporation of any transfer or transmission of any corporation stock mortgage or other security may require evidence of the title of any person claiming a right to such transfer or transmission to be registered in the books of the Corporation.

A.D. 1893.  
Evidence of title.

(2) Such evidence shall be a statutory declaration of one or more competent persons or such other evidence as the Corporation or the treasurer may require.

PART XX.—POLICE AND MISCELLANEOUS BYELAWS.

**139.** The town clerk or any officer authorised generally or in respect of any special proceeding by resolution of the council or a committee of the council may as agent for and on behalf of the Corporation appear before any court of summary jurisdiction and may institute carry on or defend any proceeding or matter which the Corporation or council is authorised to institute carry on or defend before such court as aforesaid under the Municipal Corporations Acts or any special Act of the Corporation or any general Act adopted by the Corporation or any byelaw made by the Corporation and for the time being in force within the borough.

Appearance of Corporation before court of summary jurisdiction.

**140.** All informations and complaints under or for the breach of any of the provisions of this Act or of the former Acts or of any byelaw thereunder or of the Town Police Clauses Act 1847 or of the Towns Improvement Clauses Act 1847 as incorporated with the Public Health Act 1875 or the Town Police Clauses Act 1889 may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by the chief constable or any superintendent of police acting for or within the borough.

Informations by whom to be laid.

**141.** If any person exhibits any indecent show or exhibition in any street or in any place to which admission is obtained by payment of money or without payment of money he shall for every such offence be liable to a penalty not exceeding ten pounds.

Indecent shows &c.

**142.** Any three or more persons assembled in any street or in any market place for the purpose of betting shall be deemed to be obstructing the street and every of such persons shall be liable to a penalty not exceeding forty shillings.

Prohibition of persons assembling in streets for purposes of betting.

**143.** 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 person who shall sound or play upon any musical instrument or sing in any street near or within hearing of

Street musicians to depart when required to do so.

A.D. 1893. — such house office or place of business after being so required to depart shall be liable to a penalty not exceeding forty shillings.

Penalty on persons driving across footways.

**144.** Any person who in any street drives or causes to be driven any cart waggon carriage or other vehicle across over along or on any footway (whether paved or not) except over the part thereof on which a sufficient crossing has been constructed shall for every such offence be liable to a penalty not exceeding twenty shillings in addition to the amount of damage if any thereby occasioned such amount to be recovered in like manner as penalties under this Act may be recovered.

Lost property deposited may be sold if owner not found in twelve months.

**145.** All property left accidentally or found in any street market or public place or in any hackney carriage omnibus pleasure boat or bathing machine and deposited at any police station or in any way placed in the custody of the Corporation or any of their officers shall if not claimed by and proved to belong to some person within twelve months from the date of the deposit be sold by the Corporation and the proceeds shall be carried to the credit of the borough fund Provided that the Corporation may award thereout to the person who deposited the property such reasonable sum as they think fit And the Corporation may make byelaws for securing the safe custody and re-delivery of such property and the reward to be paid to the finder.

Miscellaneous byelaws.

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

- (1) For fixing the stands on which hackney carriages and omnibuses of different classes and descriptions shall alone stand and for prohibiting a hackney carriage or omnibus of one class or description from using a stand appointed for hackney carriages or omnibuses of another class or description ;
- (2) For regulating the driving of cattle sheep swine and dangerous beasts in or through the borough and for prohibiting the driving thereof through certain streets and for prescribing the hours during which and the manner in which the same may be driven and for limiting the number which may be driven at any one time ;
- (3) For prescribing the hours within which during any fair or at at any other time any show booth caravan circus or exhibition may be kept open and for preventing such places being open on Sundays and for preserving order therein.

PART XXI.—MISCELLANEOUS.

Telegraphic &c. communication

**147.** The Corporation may from time to time provide and maintain for their town hall offices and other establishments

whether within or outside the borough and for the stations of the borough fire brigade or the stations of the volunteer fire brigades and the offices and private residences of the officials of the Corporation and the firemen of such brigades such telegraphic or telephonic communication as they may deem fit but such telegraphs and telephones shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster General by the Telegraph Act 1869 and in relation to any such telegraphs or telephones the Telegraph Act 1863 shall apply to the Corporation as if the Corporation were a company authorised by special Act of Parliament to construct and maintain telegraphs but so that it shall not be requisite for the Corporation to give any notice respecting the opening for the purposes of telegraphs or telephones of any streets under their own management Provided that the Corporation shall not place any telegraphs or telephones in on over along or across any railway in respect of which the Postmaster General has an exclusive wayleave for telegraphs without the consent of the Postmaster General first had and obtained.

A.D. 1893.  
between  
town hall  
and offices.

**148.** Every plan and section of a new street or of a new building shall be drawn on tracing cloth in ink and shall contain the name and address of the person intending to lay out the new street or erect the new building and be signed by him or by his authorised agent and all notices plans sections and descriptions deposited with the Corporation or the surveyor under the provisions of any enactment for the time being in force in the borough or any byelaw thereunder respectively shall be retained by the Corporation unless the same have been deposited or supplied in duplicate when one copy shall be returned with the notice of approval or disapproval signed by the town clerk.

Plans &c.  
deposited to  
belong to  
Corporation.

**149.** 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 approval 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 upon application in writing to the Corporation for the same be entitled to require from the Corporation a copy of such undertaking or agreement and every intending owner or lessee of property shall be entitled upon such application to information

Under-  
takings &c.  
to bind  
successive  
owners.

A.D. 1893.

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.

Occupier in default of owner may execute works and deduct expenses from his rent.

**150.** Whenever default is made by the owner of any building or lands in the execution of any work required by any enactment or byelaw for the time being in force within the borough the occupier of such building or lands may with the approval of the Corporation cause such work to be executed and the expense thereof shall be repaid to such occupier by such owner or such occupier may deduct the amount of such expense out of the rent from time to time becoming due from him to such owner.

Saving for special contracts between landlords and tenants.

**151.** Nothing in this Act shall alter the liabilities respecting the payment of any rates or expenses made payable or recoverable by this Act or any byelaw thereunder of any owner and occupier as between themselves under any special contract relative thereto.

Penalty on occupier refusing execution of Act.

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

As to breach of conditions of consent of Corporation.

**153.** 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 approval or consent.

Penalty on occupiers &c. refusing name of owner.

**154.** Any occupier of premises wilfully refusing to disclose to the Corporation the name and address of the owner or agent of the premises or wilfully mis-stating the same and any agent of premises wilfully refusing to disclose to the Corporation the name and address of the owner of the premises or wilfully mis-stating the same shall unless he shows to the satisfaction of the court reason for his refusal be liable to a penalty not exceeding forty shillings.



**155.** All the provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 except so much thereof as relates to byelaws of a rural sanitary authority shall apply to all byelaws from time to time made by the Corporation under the powers of this Act.

A.D. 1893.  
General provision as to byelaws.

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

As to appeal.

**157.**—(1) The Corporation may if they think fit grant a gratuity of any sum (not exceeding one year's pay) to any of their officers or servants who may be disabled or injured in their service or to the widow or family of any such officer or servant who may die in their service.

Power to grant gratuities in certain cases.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

**158.** All consents of and permissions by the Corporation shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk.

Consent of Corporation to be in writing.

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

Compensation how to be determined.

**160.** The Corporation when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any public department is required only with such consent.

Compensation may be in land &c.

**161.** Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be

Damages and charges in case of dispute to be settled by justices.

A.D. 1893. settled and determined by the court before whom any offender is convicted and may be recovered in the same manner as penalties.

Recovery of penalties &c.

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

Penalties to be paid over to the treasurer.

**163.** All penalties recovered by the Corporation or any officer of the Corporation on their behalf whether under this Act or any of the former Acts or any byelaw thereunder shall be paid to the treasurer and subject to the provisions of the Police Act 1890 shall be carried by him as to penalties in connexion with sanitary purposes to the credit of the district fund as to penalties in connexion with municipal matters to the credit of the borough fund and as to all other penalties to such other fund as the Corporation direct.

Saving for indictments &c.

**164.** Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act.

Judges &c. not disqualified.

**165.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate or by reason of his being a member of the council.

Incorporation of sections 264 and 265 of Public Health Act 1875 with Order of 1884.

**166.** The provisions of Section 264 (Notice of action against local authority &c.) and section 265 (Protection of local authorities and their officers from personal liability) of the Public Health Act 1875 shall be deemed to be incorporated with and form part of the Order of 1884.

Costs of Local Government Board.

**167.** All costs incurred by the Local Government Board (including such reasonable sum not exceeding three guineas a day as that Board may determine for the service of any inspector) in relation to the duties imposed on that Board under this Act shall be paid by the Corporation.

Powers of Act cumulative.

**168.** All powers rights and remedies given to the Corporation by this Act shall (except where otherwise provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by the Public Health Act 1875 or the Municipal Corporations Act 1882 or any Act amending the same respectively and the Corporation or such committee as the case may be may exercise such

other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence. .

A.D. 1893.

**169.** If any land not required for the purposes of this Act shall at any time after the execution of any works under the authority of this Act become raised in height or reclaimed or by any other means cease to be subject to the flow and reflow of the ordinary tides or to be permanently covered with water (and that whether gradually or imperceptibly or otherwise) the Corporation shall not by virtue of the ownership of any lands which they are by virtue of this Act empowered to take or acquire have any estate right or interest in or to the land so raised in height or reclaimed or ceasing to be so subject or to be so covered as aforesaid by reason that such raising reclamation or cesser has been gradual or imperceptible or has been wholly or partially caused either by the works by this Act authorised or otherwise.

As to future accretions.

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

Saving rights of the Duchy of Lancaster.

**171.** Subject to the provisions of the Act of 1879 the provisions of the Municipal Corporations Acts relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under those Acts shall extend and apply to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act.

Audit of accounts.

**172.** 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 as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund and borough rate or out of moneys borrowed under the powers of this Act.

Expenses of Act.

A.D. 1893.

The SCHEDULES referred to in the foregoing Act.

**THE FIRST SCHEDULE.**

ACTS &C. RELATING TO THE BOROUGH.

16 & 17 Vict.  
c. xxix.  
28 & 29 Vict.  
c. ccxiv.  
30 & 31 Vict.  
c. lxvii.

The Blackpool Improvement Act 1853 ;  
The Blackpool Improvement Act 1865 ;  
A Provisional Order relating to the district of Layton-with-Warbrick (Blackpool) confirmed by the Local Government Supplemental Act 1867 (No. 4) ;

31 & 32 Vict.  
c. cliii.

A Provisional Order relating to the district of Layton-with-Warbrick confirmed by the Local Government Act 1868 (No. 6) ;

42 & 43 Vict.  
c. cxcix.  
47 & 48 Vict.  
c. cxii.  
50 & 51 Vict.  
c. clxxx.

The Blackpool Improvement Act 1879 ;  
The Blackpool Corporation Tramways Order 1884 ;  
A Provisional Order relating to the borough confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1887 ;

51 & 52 Vict.  
c. cxxi.

A Provisional Order relating to the borough confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1888 ;

53 & 54 Vict.  
c. lxxxv.

A Provisional Order relating to the borough confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1890 ;

54 & 55 Vict.  
c. cxvii.

A Provisional Order relating to the borough confirmed by the Local Government Board's Provisional Orders Confirmation (No. 14) Act 1891.

**THE SECOND SCHEDULE.**

NOTE.—Lands and buildings having a frontage to a side street or road as well as to Queen's Drive are numbered on the Rating Plan with one number in Queen's Drive and with a separate number in such side street or road.

QUEEN'S DRIVE.

No. on Rating Plan.	Description of Property.	Colour as edged on Rating Plan.	Frontage to Road.	Amount of Annual Rate or Charge.
1	Vacant land - - -	Red -	76ft. 3in.	£ 0 5 0
2	Dwelling-house and land -	Blue -	80ft.	12 0 0
3	Greenhouse and land -	Brown -	46ft. 9in.	7 0 3
4	Dwelling-house and land -	Red -	22ft. 6in.	3 7 6
5	Dwelling-house and land -	Yellow -	21ft.	3 3 0
6	Dwelling-house and land -	Blue -	22ft. 3in.	3 6 9
7	Dwelling-house and land -	Brown -	21ft. 4in.	3 4 0
8	Dwelling-house and land -	Blue -	21ft. 6in.	3 4 6
9	Dwelling-house and land -	Red -	21ft. 5in.	3 4 3
10	Dwelling-house and land -	Yellow -	21ft. 6in.	3 4 6
11	Dwelling house and land -	Brown -	26ft.	3 18 0
12	Dwelling-house and land -	Blue -	27ft. 1in.	4 1 3
13	Dwelling-house and land -	Yellow -	27ft. 1in.	4 1 3
14	Vacant land - - -	Blue -	57ft.	8 11 0
15	Vacant land - - -	Red -	78ft	11 14 0

WARLEY ROAD.

A.D. 1893.

69 feet frontage to Queen's Drive at west end of street—10l. 7s.

No. on Rating Plan.	Description of Property.	Colour as edged on Rating Plan.	Frontage to Warley Road.	Amount of Annual Rate or Charge.
16	Vacant land - - -	Red -	103ft. 8in.	£ s. d. 1 0 5
16a	Vacant land - - -	Yellow -	53ft. 6in.	0 10 7
17	Vacant land - - -	Brown -	366ft.	3 12 3
18	Vacant land - - -	Blue -	369ft. 6in.	3 12 11
18a	Vacant land - - -	Yellow -	47ft. 4in.	0 9 4
19	Dwelling-house and land -	Brown -	109ft.	1 1 6

QUEEN'S DRIVE—*continued.*

No. on Rating Plan.	Description of Property.	Colour as edged on Rating Plan.	Frontage to Road.	Amount of Annual Rate or Charge.
20	Dwelling-house and land -	Brown -	43ft.	£ s. d. 6 9 0
21	Dwelling-house and land -	Blue -	30ft.	4 10 0
22	Dwelling-house and land -	Yellow -	22ft. 6in.	3 7 6
23	Tennis ground and wooden buildings	Red -	429ft.	64 7 0
24	Dwelling-house and land -	Yellow -	24ft. 1in.	3 12 3
25	Dwelling-house and land -	Blue -	23ft. 8in.	3 11 0
26	Dwelling-house and land -	Brown -	72ft.	10 16 0

DERBY ROAD.

51 feet frontage to Queen's Drive at west end of street—7l. 13s.

No. on Rating Plan.	Description of Property.	Colour as edged on Rating Plan.	Frontage to Derby Road.	Amount of Annual Rate or Charge.
27	Dwelling-house and land -	Brown -	121ft. 6in.	£ s. d. 1 3 4
28	Dwelling-house and land -	Blue -	31ft. 2in.	0 6 0
29	Dwelling-house and land -	Red -	19ft. 9in.	0 3 10
30	Dwelling-house and land -	Yellow -	19ft. 5in.	0 3 9
31	Dwelling-house and land -	Blue -	22ft. 5in.	0 4 4
32	Vacant land - - -	Red -	189ft.	1 16 4
33	Vacant land - - -	Blue -	99ft. 3in.	0 19 1
34	Dwelling-house and land -	Yellow -	21ft. 5in.	0 4 1
35	Dwelling-house and land -	Brown -	19ft. 11in.	0 3 10
36	Dwelling-house and land -	Blue -	20ft. 4in.	0 3 11
37	Dwelling-house and land -	Red -	19ft. 9in.	0 3 10
38	Dwelling-house and land -	Yellow -	21ft.	0 4 0
39	Dwelling-house and land -	Blue -	20ft. 1in.	0 3 10
40	Dwelling-house and land -	Brown -	20ft. 3in.	0 3 11
41	Dwelling-house and land -	Yellow -	30ft. 1in.	0 5 9
42	Vacant land - - -	Red -	120ft. 8in.	1 3 2

A.D. 1893.

QUEEN'S DRIVE—*continued.*

No. on Rating Plan.	Description of Property.	Colour as edged on Rating Plan.	Frontage to Road.	Amount of Annual Rate or Charge.
				£ s. d.
43	Vacant land - - -	Red -	50ft. 2in.	7 10 6
44	Dwelling-house and land -	Blue -	24ft.	3 12 0
45	Dwelling-house and land -	Yellow -	23ft. 10in.	3 11 6
46	Dwelling-house and land -	Brown -	24ft. 5in.	3 13 3
47	Dwelling-house and land -	Blue -	24ft. 7in.	3 13 9
48	Dwelling-house and land -	Red -	23ft. 6in.	3 10 6
49	Dwelling-house and land -	Yellow -	23ft. 6in.	3 10 6
50	Dwelling-house and land -	Brown -	23ft. 9in.	3 11 3
51	Dwelling-house and land -	Blue -	62ft. 1in.	9 8 9

WILTON PARADE.

51 feet frontage to Queen's Drive at west end of street—7l. 13s.

No. on Rating Plan.	Description of Property.	Colour as edged on Rating Plan.	Frontage to Road.	Amount of Annual Rate or Charge.
				£ s. d.
52	Dwelling-house and land -	Blue -	70ft. 6in.	0 16 6
53	Dwelling-house and land -	Red -	51ft. 2in.	0 12 0
54	Dwelling-house and land -	Yellow -	32ft. 3in.	0 7 7
55	Dwelling-house and land -	Brown -	22ft. 9in.	0 5 4
56	Dwelling-house and land -	Blue -	22ft.	0 5 2
57	Dwelling-house and land -	Red -	22ft. 11in.	0 5 4
58	Dwelling-house and land -	Yellow -	30ft. 5in.	0 7 2
59	Dwelling-house and land -	Brown -	31ft. 1in.	0 7 3
60	Dwelling-house and land -	Blue -	32ft. 7in.	0 7 8
61	Dwelling-house and land -	Yellow -	16ft. 4in.	0 3 10
62	Hotel and grounds - -	Red -	320ft. 6in.	3 15 2

QUEEN'S DRIVE—*continued*

No. on Rating Plan.	Description of Property.	Colour as edged on Rating Plan.	Frontage to Road.	Amount of Annual Rate or Charge.
				£ s. d.
63	Hotel and grounds - -	Red -	367ft. 10in.	55 3 6

ROAD TO THE TWO HOUSES NEXT MENTIONED.

A.D. 1893.

12 feet frontage to Queen's Drive at west end of street—1*l.* 16*s.*

No. on Rating Plan.	Description of Property.	Colour as edged on Rating Plan.	Frontage to Road to the two Houses next mentioned.	Amount of Annual Rate or Charge.
64	Dwelling-house and land -	Blue -	77ft. 4in.	£ s. d. 0 11 7
65	Dwelling-house and land -	Brown -	163ft. 10in.	1 4 5

QUEEN'S DRIVE—*continued.*

No. on Rating Plan.	Description of Property.	Colour as edged on Rating Plan.	Frontage to Road.	Amount of Annual Rate or Charge.
66	Dwelling-house and land -	Brown -	36ft. 6in.	£ s. d. 5 9 6
67	Dwelling-house and land -	Yellow -	28ft. 9in.	4 6 3
68	Dwelling-house and land -	Blue -	42ft. 2in.	6 6 6
69	Dwelling-house and land -	Red -	23ft. 5in.	3 10 3
70	Dwelling-house and land -	Yellow -	24ft. 9in.	3 14 3
71	Dwelling-house and land -	Brown -	23ft. 7in.	3 10 9
72	Dwelling-house and land -	Blue -	24ft. 4in.	3 13 0
73	Dwelling-house and land -	Yellow -	23ft. 2in.	3 9 6
74	Dwelling-house and land -	Red -	24ft. 10in.	3 14 6
75	Dwelling-house and land -	Blue -	23ft. 4in.	3 10 0
76	Dwelling-house and land -	Yellow -	24ft. 6in.	3 13 6
77	Dwelling-house and land -	Brown -	22ft. 5in.	3 7 3
78	Dwelling-house and land -	Blue -	23ft.	3 9 0
79	Dwelling-house and land -	Red -	21ft. 11in.	3 5 9
80	Dwelling-house and land -	Yellow -	23ft.	3 9 0
81	Dwelling-house and land -	Blue -	22ft. 6in.	3 7 6
82	Hotel and land - -	Red -	79ft. 6in.	11 18 6

STREET BETWEEN CLAREMONT HOTEL AND LANSDOWNE CRESCENT.

113 feet 3 inches frontage to Queen's Drive at west end of street—  
16*l.* 19*s.* 9*d.*

No. on Rating Plan.	Description of Property.	Colour as edged on Rating Plan.	Frontage to Street between Claremont Hotel and Lansdowne Crescent.	Amount of Annual Rate or Charge.
83	Hotel and land -	Red -	159ft.	£ s. d. 10 11 10
84	Dwelling-house and land -	Brown -	96ft.	6 7 11

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QUEEN'S DRIVE—*continued.*

No. on Rating Plan.	Description of Property.	Colour as edged on Rating Plan.	Frontage to Road.	Amount of Annual Rate or Charge.
85	Dwelling-house and land	Brown	31ft. 7in.	£ 4 14 9
86	Dwelling-house and land	Blue	22ft. 4in.	3 7 0
87	Dwelling-house and land	Yellow	21ft. 8in.	3 5 0
88	Dwelling-house and land	Red	21ft. 10in.	3 5 6
89	Dwelling-house and land	Blue	20ft. 10in.	3 2 6
90	Dwelling-house and land	Yellow	21ft. 8in.	3 5 0
91	Dwelling-house and land	Brown	20ft. 10in.	3 2 6
92	Dwelling-house and land	Blue	20ft.	3 0 0
93	Dwelling-house and land	Red	19ft. 8in.	2 19 0
94	Dwelling-house and land	Yellow	20ft. 5in.	3 1 3
95	Dwelling-house and land	Blue	19ft. 6in.	2 18 6
96	Dwelling-house and land	Red	22ft. 8in.	3 8 0
97	Dwelling-house and land	Brown	21ft. 11in.	3 5 9
98	Dwelling-house and land	Blue	20ft. 2in.	3 0 6
99	Dwelling-house and land	Yellow	20ft. 4in.	3 1 0
100	Dwelling-house and land	Red	20ft. 7in.	3 1 9
101	Dwelling-house and land	Blue	19ft. 6in.	2 18 6
102	Dwelling-house and land	Brown	21ft. 11in.	3 5 9
103	Dwelling-house and land	Yellow	22ft.	3 6 0
104	Dwelling-house and land	Red	68ft. 8in.	10 6 0

THE THIRD SCHEDULE.

AN AGREEMENT made this tenth day of May one thousand eight hundred and sixty-five between THE BLACKPOOL LAND BUILDING AND HOTEL COMPANY (LIMITED) of the one part and THE LAYTON-WITH-WARBRICK LOCAL BOARD OF HEALTH of the other part.

WHEREAS the said Company have acquired certain lands described upon the plan hereto annexed and which are within the district of the said Local Board and upon which the said Company have expended considerable sums of money in laying the same out for building purposes and in forming streets and approaches thereto :

And whereas in order to provide for the main sewerage of the district of the said Company's land which cannot be provided for by the present sewerage of the said Local Board it has been agreed between the said Company and the said Local Board as follows :—

That the said Company shall under the directions of the General Board of Health or the London Board of Commissioners under the Local Government Act 1862 and to the satisfaction of the said Local Board make and maintain the line of main sewerage as shown upon the plan hereto annexed upon such levels and with such materials cesspools grates traps appliances communications and outlets as the said Local Board shall by



writing under the hand of their surveyors or engineer from time to time approve of and as the said Board in London shall direct ;

That the cost of the works to be executed as aforesaid shall in the first instance be defrayed by the said Company and before the same shall be commenced plans specifications and estimates shall be submitted by the said Company to and the contractor or contractors for the same approved of by the said Local Board ;

That the said Local Board shall have power if they shall think fit to employ an engineer at the cost of the said Company to superintend the construction of the said works and the total cost of such works shall immediately on completion be submitted by the said Company to the said Local Board and shall be certified by the engineer or surveyor of the said Local Board or approved of by the said Local Board as having been completed to their satisfaction but the total cost thereof shall in no event exceed the sum of two thousand pounds ;

That on the same works being so completed and the total cost thereof so submitted to and approved of by the said Local Board the repayment of the amount so certified or approved of with interest at four pounds ten shillings per centum per annum and from the date of such certificate or approval shall be secured to the said Company in manner following videlicet ;

That whenever any buildings erected on the said Company's land shall be rated to the general district rates of the said Local Board a proportion of such rates equal to sevenpence in the pound on the rateable value shall when the same shall be received by the said Local Board be paid over once in every year by the said Local Board to the said Company and an account thereof shall be kept by the said Company and a copy of such account shall once in every year at least be rendered by the said Company to the said Local Board and oftener and from time to time when and as the same shall be required by the said Local Board ;

That if and when there shall be buildings or other property erected upon the said Company's land which shall be rated to the general district rate of the said Local Board and the rates whereof calculated at sevenpence in the pound shall be of such an amount in any one year as would pay the interest at the rate aforesaid upon the amount of principal then owing in respect of the outlay or expenditure certified or approved of as aforesaid the said Local Board shall with the sanction of the Secretary of State or other the authority or powers under the Local Government Act 1862 or such other powers as the said Local Board shall have in that behalf grant to the said Company or to such person or persons as the said Company shall appoint a mortgage or mortgages of the general district rates of the said Local Board for the amount so certified or approved of as aforesaid with interest from the date of such mortgage or mortgages at four pounds ten shillings per centum per annum on such amount as shall then be owing in respect thereof repayable by the said Local Board at the expiration of seven years from the date of such mortgage or mortgages or at any earlier period if the said Local Board shall be desirous of repaying the same and shall give to the said Company or to the registered mortgagee on the books of the said Local Board notice in writing of their intention to pay the same

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That on the said mortgage or mortgages being granted for the amount aforesaid the payment of the rates to the said Company as herein-before mentioned shall cease and all the said works and conveniences belonging thereto shall be and become the property of the said Local Board and shall be under their government and management in the same manner as if the same had been made and constructed by the said Local Board under the powers of the said Local Government Act 1862 or any other powers in them vested and shall from thenceforth be kept in repair and dealt with by the said Local Board as they shall from time to time think fit;

That the said Company shall at their own expense keep the said works in repair to the satisfaction of the said Local Board until such mortgages are granted and shall indemnify the said Local Board from all costs and damages which the said Local Board shall sustain or be put unto by reason or on account of the construction of the works herein-before mentioned and also the costs and charges of and incident to the preparation and completion and carrying out of this agreement.

As witness the hands of five of the members and seal of the Layton-with-Warbrick Local Board of Health.

Passed under the common seal of the Blackpool Land  
Building and Hotel Company in the presence of  
E. BLANE

Secretary.

L.S.

Signed and sealed in the presence of

WILLIAM CHARNLEY

Clerk to the Board.

WILLIAM LIVESEY  
WILLIAM THORNER  
THOMAS FENTON  
ROBT. BOLTON  
JOHN METCALF

L.S.

Five of the members of the Layton-with-Warbrick  
Local Board of Health.

[56 & 57 VICT.] *Blackpool Improvement Act, 1893.* [Ch. lxxxvi.]

THE FOURTH SCHEDULE.

A.D. 1893.

Describing LANDS and BUILDINGS of which portions only may  
be required.

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Numbers on deposited Plans.

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WORK No. 1.

2

WORK No. 2.

2 5 13a

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