



CHAPTER cliv.

An Act to enable the Mayor Aldermen and Burgesses of the borough of Preston to construct further Works to borrow additional moneys for the purposes of the Ribble Navigation and Preston Dock Undertaking and for other purposes. A.D. 1896.

[20th July 1896.]

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

And whereas by the Ribble Navigation Act 1853 (in this Act called "the Act of 1853") the before-recited Act was repealed and the said company were re-incorporated and (among other things) authorised to make certain guide or training walls and to dredge deepen cut straighten and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

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

A.D. 1896. — certain wharfage rates for the use of the dock or quays of the Corporation :

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

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

51 & 52 Vict.
c. clxxiii.

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

52 & 53 Vict.
c. lxxxiii.

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

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

1. As to the practicability and probable cost of providing a navigable waterway between Preston and the open sea either in accordance with the plans authorised by the Ribble Navigation Acts or any of them or in accordance with any other plans which the commission might think fit to suggest ;
2. As to maintaining and completing the existing training walls ;
3. As to the dredging ; and
4. As to the course to be followed with regard to the dock and the equipment thereof :

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

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

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

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53 Vict. c.
xlii.

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

And whereas it appeared from the said final report that much of the said additional depth of water had been obtained at Lytham and that further obstruction would be removed by the end of the year one thousand eight hundred and ninety-one and that in order to attract trade proper facilities must be provided at the new dock and that there was reason to hope that with equal facilities and proportional rates in freight and railway carriage with competing ports a considerable quantity of coal from the Wigan Coal Field might be shipped at Preston:

And whereas the Corporation having arranged port and railway rates which compared satisfactorily with those of competing ports were by the Ribble Navigation Act 1892 (in this Act called "the Act of 1892") authorised to borrow a further sum of sixty-one thousand pounds for further equipping their dock:

55 & 56 Vict.
c. xci.

And whereas the works executed by the Corporation have enabled vessels of greater tonnage to use the said dock and the trade of the said port has improved:

And whereas the Corporation have been advised that the access from the sea to the said dock will be further improved by the continuation of the training walls seaward and it is expedient that the Corporation be authorised to continue the same as in this Act provided:

And whereas it is expedient that the boundary between the port of Liverpool and the port of Preston should be better defined:

And whereas for the purpose of defining the area within which the Corporation were entitled to levy tolls on vessels and goods entering the port and harbour of Preston a line was fixed in and by the Act of 1853 and therein called the Ribble sea line and the said line is defined in the Act of 1883 and it is expedient that the said line should be more definitely described:

A.D. 1896. And whereas the Corporation have placed and are entitled from time to time to place mooring buoys in the harbour and the approaches thereto and it is expedient that they be authorised to take tolls for the use of such buoys :

And whereas the dock undertaking of the Corporation is connected with the North Union Railway (belonging to the Lancashire and Yorkshire and London and North Western Railway Companies jointly) by the Ribble Branch Railway which belongs as to part thereof to the Corporation solely and as to the remainder thereof to the Corporation and the said two companies jointly and it is expedient that the Corporation be authorised to construct in the borough a short branch railway from the said Ribble Branch Railway to the West Lancashire Railway :

And whereas it is expedient that the Corporation be authorised to borrow further moneys for the construction of the said training walls and branch railway and for providing further appliances for the benefit of their dock undertaking :

And whereas it is expedient that the other provisions in this Act contained should be made :

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

And whereas estimates have been prepared by the Corporation for the purchase of land and for the execution of the various works by this Act authorised and such estimates are as follows :—

For the harbour works purposes seventy-nine thousand two hundred and fifty pounds ;

For the branch railway nine hundred and twelve pounds ;

For the construction of the graving dock and timber pond authorised by the Act of 1883 twenty-eight thousand pounds ;

For the enclosing and further equipping of the dock fifty-one thousand eight hundred and thirty-eight pounds :

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

And whereas an absolute majority of the whole number of the council at a meeting held on the eighteenth day of November one thousand eight hundred and ninety-five after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Preston Herald 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 Lancashire Daily Post a newspaper published or circulating in the borough 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 thirtieth day of January one thousand eight hundred and ninety-six 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 :

And whereas plans and sections showing the lines situation and levels of the works by this Act authorised and the lands which may be acquired under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of and describing such lands have been deposited with the clerk of the peace for the county of Lancaster and are in this Act referred to as the deposited plans sections and book of reference :

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) :—

1. This Act may be cited as the Ribble Navigation Act 1896 and this Act and the Ribble Navigation Acts 1853 to 1892 may be cited together as the Ribble Navigation Acts 1853 to 1896. Short title.

2. The Lands Clauses Acts sections 9 to 12 of the Railways Clauses Act 1863 and the provisions of the Commissioners Clauses Act 1847 with respect to the mortgages to be executed by the Commissioners (except sections 80 and 84) so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are incorporated with and form part of this Act. Incorporation of Acts.

3. In this Act unless the subject or context otherwise requires— Interpretation.
 “The borough” means the municipal borough of Preston ;
 “The Corporation” means the mayor aldermen and burgesses of the borough whether acting under the provisions of the Municipal Corporations Acts or in the execution of the Acts relating to the port and harbour of Preston ;
 “The council” means the council of the borough ;

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

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

“The port” and “the harbour” mean respectively the port and harbour of Preston;

“The harbour works” means the training walls by this Act authorised;

“The Ribble Navigation Acts” means and includes the Ribble Navigation Acts 1853 to 1892 and this Act:

In the Commissioners Clauses Act 1847 for the purposes of this Act—

“The commissioners” means the Corporation;

“The clerk to the commissioners” means the town clerk:

In the Railways Clauses Act 1863 for the purposes of this Act—

“The company” includes the Corporation.

Act to be
executed by
the council.

Defining the
boundary
between the
ports of
Liverpool
and Preston.

4. This Act shall be carried into execution by the Corporation acting by the council.

5.—(1) From and after the passing of this Act the boundary between the port of Liverpool and the port of Preston shall be an imaginary line drawn in a true north-north-west direction from the inner north-west sea-mark on the beach at Formby Point shown on the Admiralty chart of the survey of the west coast of England from Formby Point to Kirkcudbright published the twenty-third day of October one thousand eight hundred and ninety-three until such line intersects the seaward boundary of the port of Liverpool.

(2) All rights exercisable by and any duties and obligations (if any) attaching to the Mersey Docks and Harbour Board under section 11 (Repeal of section 59 of Act of 1858 Substituted provisions as to removal of obstructions to navigation) of the Mersey Docks Act 1874 as amended by section 29 (Alteration of section 11 of the Mersey Docks Act 1874) of the Mersey Docks and Harbour Act 1889 or under Part IX. (Wreck and salvage) of the Merchant Shipping Act 1894 in any area situate (true) east-north-east of the said imaginary line in subsection (1) of this section mentioned are by this Act transferred from the Mersey Docks and Harbour Board to the Corporation and shall from and after the passing of this Act be exercisable by and attach to the Corporation and the said board are hereby relieved from all duties and liabilities and shall cease to exercise any rights under those several Acts within or in respect of such area.

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(3) If the corporation of Southport should at any time consider themselves aggrieved by the operation of any byelaw made by the Corporation the corporation of Southport may appeal to the Board of Trade to alter or modify the said byelaw.

(4) Nothing in this Act contained shall affect the limits of the port of Preston or the port of Liverpool as now or hereafter set out for customs purposes or abridge or affect in any way the powers of the Treasury in respect of ports under the Customs Consolidation Act 1876.

6. Section 8 (Defining the Ribble Sea Line) of the Act of 1883 is hereby repealed and from and after the passing of this Act the expression "the Ribble Sea Line" when used in the Act of 1853 or the Act of 1883 or in this Act shall mean an imaginary line commencing at the Lytham lighthouse and proceeding thence true west to the point where it would intersect an imaginary line drawn true south from Cross Slack and proceeding from that point to a point six miles one furlong two chains true south of Cross Slack and proceeding from that point in a straight line to and terminating at the north-west corner of the embankment at Hundred End known as the Hesketh Embankment.

Re-defining
the Ribble
Sea Line.

7. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situation shown on the deposited plans and according to the levels shown on the deposited sections the following works and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose:

Power to
make works.

The works herein-before referred to will be wholly situate in the county palatine of Lancaster and are the following (that is to say):—

Work No. 1 A training wall or embankment (No. 1) in continuation seaward of the existing south wall in the estuary of the River Ribble commencing at a point in that wall about fifty-seven chains southward of the building known as the Old Custom House at Lytham and sixty-five chains south-eastward of Lytham windmill and terminating in the estuary of the River Ribble at a point about one mile five furlongs and seven chains south-westward of St. Cuthbert's Church at Lytham and one mile four furlongs five chains south-south-east of Lytham lighthouse;

Work No. 2 A training wall or embankment (No. 2) in continuation seaward of the existing north wall in the estuary of the River Ribble commencing at the western termination of that wall and terminating in the said estuary at a point thirty-four and a half chains measured in a south-easterly direction from the south-west corner of the Clifton Arms Hotel Lytham

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and twenty-six chains in a south-westerly direction from the south-west corner of the life boathouse at Lytham ;

Work No. 3. A training wall or embankment (No. 3) commencing at the western termination of the training wall (No. 2) and terminating in a creek of the said River Ribble known as Lytham Pool at a point about ten chains due south of the said Old Custom House ;

Work No. 4. A training wall or embankment (No. 4) commencing at a point on a line drawn seawards in direct continuation of the west side as shown on the deposited plans of Fair Lawn Drive Lytham and at a distance of forty-four and a half chains from the west side of the tower of St. Cuthbert's Church aforesaid and terminating in the said estuary at a point about five furlongs two chains west of a point one mile two furlongs eight chains due south from Lytham lighthouse ;

Work No. 5. A training wall or embankment (No. 5) commencing at the eastern end of the said training wall (No. 4) and continuing thence in a straight line in a westerly direction for about thirty chains and terminating in the said estuary in a creek known as the North Hollow at a point about forty chains measured in a due south direction from the centre of Clifton Drive Road ;

Work No. 6. A branch railway about seventeen chains in length in the township and parish of Preston (with all necessary and convenient sidings rails turntables and junctions) commencing by a junction with the Ribble Branch Railway at a point in Strand Road nine chains north-west from the corner of the Regatta Inn at the junction there of Broadgate and Strand Road and terminating by a junction with the southernmost siding of the West Lancashire Railway at the western termination of that siding :

Provided that Work No. 3 shall not be made except with the consent in writing of John Talbot Clifton or his sequels in estate and the urban district council of Lytham.

Power of
deviation.

8. In constructing the works by this Act authorised the Corporation may (subject to the provisions of this Act) deviate laterally from the lines shown on the deposited plans and vertically from the levels shown on the deposited sections in manner in this section prescribed :—

In this section the expression the "plan" means a plan signed in seven parts by Alexander Farquharson Fowler on behalf of the Corporation and by George Neill Abernethy on behalf of John Talbot Clifton and the respective urban district councils

of Lytham and St. Anne's-on-the-Sea of which parts one part shall be deposited in the Private Bill Office of the House of Commons another part shall be deposited in the Office of the Clerk of the Parliaments another part shall be deposited at the office of the clerk of the peace for the county of Lancaster (to be there kept by him with and as part of the deposited plans) another part shall be deposited at the office of the town clerk of Preston and the three other parts shall be deposited respectively with John Talbot Clifton and at the respective offices of the clerks of the said urban district councils ;

Works No. 1 and No. 3 may be deviated laterally to any extent within the limits of deviation shown on the plan ;

Work No. 4 may be deviated between the commencement thereof (which shall not be deviated) and its termination to any extent laterally within the said limits ;

Work No. 5 may be deviated to such extent laterally within the said limits as may be consented to in writing by the said John Talbot Clifton or his sequels in estate and the said urban district councils ;

As to Work No. 6 to any extent laterally within the limits of deviation shown on the deposited plans with respect to that work ;

As to all the said works other than the said branch railway to any extent vertically not exceeding two feet upwards and ten feet downwards ;

As to the said branch railway to any extent vertically not exceeding one foot upwards and one foot downwards :

Provided that no deviation either lateral or vertical below high-water mark shall be made without the previous consent in writing of the Board of Trade or otherwise than in such manner as is expressly authorised by the Board of Trade.

9. The Corporation shall not construct any part of any training wall by this Act authorised of a greater height than six feet above the low-water level of ordinary spring tides in the navigable channel abreast of such part of such training wall and if by reason of the construction of the works of the Corporation the said low-water level of the navigable channel be lowered the Corporation shall lower proportionately the training wall or walls abreast of such channel where so lowered.

As to height of training walls.

10. The Corporation in the execution of the works by this Act authorised shall not in any way depart from the principle recommended by the commission in the said interim report dated the fifth day of October one thousand eight hundred and eighty-nine or in the said final report dated the seventh day of August

Works to be executed in accordance with the principle recommended by the commission.

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one thousand eight hundred and ninety-one except with the previous sanction in writing of the Board of Trade.

Abandonment of part of south training wall authorised by the Act of 1883.

11.—(1) The Corporation may abandon so much of the existing south training wall or embankment as is situate west of the commencement of the Training Wall or Embankment No. 1 by this Act authorised and the Corporation with the consent of the Board of Trade may and if so required by the Board of Trade shall remove the portion so abandoned.

(2) If the Board of Trade require the Corporation or if the Corporation themselves determine to remove any part of the said wall they shall before they commence any work in that behalf give to the trustees of the will of Charles Scarisbrick deceased and to Anna Maria Alice Hesketh or their or her heirs sequels in estate and assigns not less than one month's notice in writing of their intention to commence such work and such persons or any of them may within two months after service of such notice on them or her apply to the Board of Trade to appoint an arbitrator to determine whether any and if any what compensation shall be paid to them or any of them for any damage or loss they or any of them may suffer by the removal of the said wall or any part thereof. The decision of such arbitrator shall be binding and conclusive on all parties interested in the maintenance or removal of the said wall and one half of the costs of the said arbitrator and of the award shall be defrayed by the Corporation and the other half by the other parties to the arbitration in equal shares and each party to the arbitration shall bear his own costs other than as aforesaid incident to such arbitration.

(3) If the Corporation be not required to remove or do not remove any part of the said wall they shall at all times maintain and keep the said wall in good repair.

Incorporation of certain sections of the Act of 1883.

12. The following sections of the Act of 1883 (that is to say):—

Section 60 (Lights on works);

Section 61 (Corporation to exhibit lights);

Section 62 (Abatement of works abandoned or decayed);

Section 63 (Survey of works by Board of Trade);

shall extend and apply mutatis mutandis to and in relation to the harbour works.

Works below high-water mark not to be commenced without consent of Board of Trade.

13. The Corporation shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant-secretaries of the Board of Trade and then only according to such plan and under such

restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly with costs.

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14. In the execution of any works by this Act authorised the Corporation shall so far as is reasonably practicable avoid depositing any dredged material in the neighbourhood of Crossens Channel so as to cause any injury thereto and if at any time it shall be proved to the satisfaction of the Board of Trade that the Corporation are unreasonably and unnecessarily depositing such material the said Board may order the Corporation to cease to make such deposit and to remove any deposit made in contravention of this section and such order shall be enforceable by writ of Mandamus to be obtained by that Board out of the High Court.

As to deposit
of dredged
material.

15. 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.

16.—(1) The owners as defined in section 71 of the Act of 1883 for the purpose of making the culvert conduit main drain or outlet authorised by the last proviso of subsection (15) of that section may subject to the provisions of this Act make an outlet through the Training Wall No. 1 by this Act authorised.

Application
of section 71
of the Act of
1883 to
this Act.

(2) The said outlet and works connected therewith shall be constructed under the superintendence and to the reasonable satisfaction of the Corporation and in accordance with plans sections and specifications submitted to them for their approval not less than

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fourteen days before the commencement of the work Provided that if the Corporation fail to signify their approval or disapproval of or their requirements in relation to the said plans sections or specifications within two months after the submission thereof as herein-before provided the Corporation shall be deemed to have approved thereof.

(3) If any difference shall arise between the Corporation and the owners touching this section such difference shall be determined by an arbitrator to be appointed by the Board of Trade on the application of any of the parties in difference and the decision of such arbitrator shall be conclusive and binding on all parties and the costs of the arbitration and award shall be borne as he shall determine.

Power for
Southport
Corporation
to provide
water outlet.

17.—(1) The mayor aldermen and burgesses of the borough of Southport (in this section called “the Southport Corporation”) may construct and maintain an outlet for the waters mentioned in subsection (15) of section 71 of the Act of 1883 through the Training Wall No. 1 at any point in that wall situate not less than one thousand yards west of the western end of the south training wall authorised by the Act of 1883.

(2) The said outlet and works connected therewith shall be constructed under the superintendence and to the reasonable satisfaction of the Corporation and in accordance with plans sections and specifications submitted to them for their approval not less than fourteen days before the commencement of the work Provided that if the corporation fail to signify their approval or disapproval of or their requirements in relation to the said plans sections or specifications within two months after the submission thereof as herein-before provided the Corporation shall be deemed to have approved thereof.

(3) If any difference shall arise between the Corporation and the Southport Corporation touching this section such difference shall be determined by an arbitrator to be appointed by the Board of Trade on the application of either of the parties in difference and the decision of such arbitrator shall be conclusive and binding and the costs of the arbitration and award shall be borne as he shall determine.

Only one outlet
to be made
through Train-
ing Wall
No. 1.

18. Only one outlet through the said Training Wall No. 1 shall be made but if and when made may be used in common by the parties entitled to an outlet through the said wall.

As to use
of outlet
through
Training
Wall No. 1.

19. No outlet made under the powers of this Act through Training Wall No. 1 shall be used for the discharge of any sewage unless all excrementitious and noxious matter shall have been removed therefrom.

20. For the purpose of enabling the owners as defined in section 71 of the Act of 1883 and all persons authorised by them to exercise any rights of fishing immediately before the passing of the Act of 1883 belonging to them so much of the south training wall in subsection (16) of section 71 of the Act of 1883 referred to as is not for the time being removed and the Training Wall No. 1 by this Act authorised and the channels of the said river along those walls respectively shall subject to any works which the Corporation may construct under the powers authorised by the Act of 1883 or by this Act be deemed to be substituted for the channel of the said river existing immediately before the passing of the Act of 1883 and the banks thereof Provided that no such rights shall be exercised in such way as to interfere with the safe and convenient navigation of the harbour.

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For the
protection
of fishing
rights.

21. 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 whatever 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 exercisable by Her Majesty Her heirs or successors in right of Her said duchy.

Saving rights
of the
Duchy of
Lancaster.

22. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Corporation may in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of Fishergate Hill in the said borough.

Power to
cross certain
road on
the level.

23. The Corporation shall erect and at all times maintain gates across the railway at each side of Fishergate Hill and shall unless otherwise permitted by the Board of Trade from time to time in writing under the hand of an assistant secretary employ proper persons to open and close such gates and such gates shall be kept constantly closed across the railway except during the time when engines carriages or trucks passing along the railway shall have occasion to cross Fishergate Hill and such gates shall be of such dimensions and so constructed as when closed to fence in the railway and prevent cattle or horses passing along Fishergate Hill from

Provisions
as to level
crossing of
Fishergate
Hill.

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entering upon the railway and the conductors of any engines carriages or trucks passing along the railway or other the person whose office or duty it may be to open or close the said gates shall cause the same to be closed as soon as such engines carriages or trucks shall have passed through the same under a penalty of forty shillings for every default therein.

Engines carriages and trucks shall approach the crossing at a speed not exceeding three miles an hour and shall be preceded by a person on foot with a red flag displayed who shall warn the riders and drivers of horses of the approach of such engines carriages and trucks and shall signal the conductors thereof when it shall be necessary for them to stop the same.

Power to stop up portion of Strand Road.

24. The Corporation may stop up so much of Strand Road in the borough as is situate between Fishergate Hill and the junction of Hartington Road with Strand Road and thereupon all public rights of way over the part so stopped up shall be extinguished.

Saving as to Ribble Branch Railway.

25. Nothing in this Act shall be deemed to prejudice or affect any question of right or title to the portion of the Ribble Branch Railway situate in Strand Road or the site of such portion.

Restriction on taking houses of labouring class.

26.—(1) The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(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.

Period for compulsory purchase of lands.

27. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to take easements &c. by agreement.

28. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) 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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29. The Corporation may demand and take for and in respect of all vessels mooring at or using any buoys belonging to or placed by the Corporation in any part of the harbour or any approach thereto any sum not exceeding two pence for every registered ton of every such vessel.

Power to charge for use of moorings.

30. The Corporation may with the consent of the Corporation of Trinity House of Deptford Strond provide maintain and place one or more light-ships for the guidance of vessels entering or leaving the harbour.

Power to provide light-ships.

31. The Corporation may provide and maintain—

One or more steam tenders for the purposes of or connected with their dock undertaking ;

One or more grain elevators in connexion with any warehouse of the Corporation.

Corporation may provide steam tenders and grain elevators.

32.—(1) The Corporation may license for such period and on such terms and conditions as they think fit any competent persons to act as masters of tugboats to tow vessels within the port and may for reasonable cause revoke or suspend such licence.

Masters of tugboats to be licensed &c.

(2) If the Corporation exercise the foregoing powers of this section all competent masters of tugboats licensed by the Corporation at the passing of this Act shall be entitled to receive licences.

(3) If any dispute arise between the Corporation and the owner or the master of any tugboat with respect to the refusal by the Corporation of any such licence such dispute shall be settled by an arbitrator to be appointed by the Board of Trade and the costs of the reference shall be in the discretion of the arbitrator.

33.—(1) No pleasure boat or pleasure steam launch (in this section referred to as "boat") shall ply for hire in that part of the harbour which lies to the eastward of the western boundary of the borough unless such boat and the owner thereof be licensed by the Corporation and every person who shall permit to be used a boat not so licensed and not owned by a person so licensed shall for every such offence be liable to a penalty not exceeding five pounds.

Pleasure boats and their owners to be licensed.

(2) The Corporation may license for such periods and upon such terms and conditions as they think fit any such boat and the owner thereof and may for reasonable cause revoke or suspend

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such licence and the powers to make byelaws contained in section 24 of the Act of 1888 shall extend and apply mutatis mutandis to and for the purposes of this section.

Power to
make
additional
byelaws.

34. The Corporation in addition to any powers they possess to make byelaws but subject to the provisions of this Act may under and according to the provisions of section 114 (Powers for Corporation to make byelaws as to dock quays &c.) of the Act of 1883 make alter and repeal byelaws for all or any of the following purposes (that is to say):—

For fixing the tolls payable for the use of mooring buoys belonging to or placed by the Corporation and the times manner and places for the payment thereof;

For regulating the terms and conditions of and the payments to be made for the granting of any licences under the provisions of this Act.

Power to
exchange
plant.

35. The Corporation may from time to time exchange all or any part of their dredging plant for dredging plant of other description and may on any such exchange give or receive money for equality of exchange or they may sell such plant or any part thereof and apply the whole or any portion of the proceeds of such sale and of any money so received on any such exchange in or towards the purchase of other plant Any moneys not applied under the provisions of this section shall be deemed to be capital moneys and shall be appropriated in repayment of moneys borrowed by the Corporation under the Ribble Navigation Acts in addition to and not in substitution for any other mode of repayment except to such an extent as may be approved by the Local Government Board.

Power to
borrow.

36. The Corporation may from time to time in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of any other Act borrow at interest on the security of the harbour revenue the borough fund and borough rate and for the following purposes the following sums (that is to say):—

For the purpose of paying the costs of this Act as herein-after defined the sums requisite for that purpose;

For the purposes of the harbour works by this Act authorised seventy-nine thousand two hundred and fifty pounds;

For the construction of the said branch railway by this Act authorised nine hundred and twelve pounds;

For the construction of the graving dock and timber pond authorised by the Act of 1883 twenty-eight thousand pounds;

For the purpose of enclosing and further equipping the dock the sum of fifty-one thousand eight hundred and thirty-eight pounds;

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

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

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

Section 15 (Power to re-borrow);

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

Section 17 (Application of moneys borrowed);

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

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

Certain provisions of Act of 1890 incorporated.

38. Section 7 (For appointment of a receiver) of the Act of 1892 is hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act and in lieu thereof the mortgagees of the Corporation under the Ribble Navigation Acts or any of them may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall be not less than five thousand pounds in the whole.

For appointment of a receiver.

39. Before applying the harbour revenue in making any repayment to the borough fund or any payment to the reserve fund as permitted by section 125 (Application of harbour revenue) of the Act of 1883 the Corporation shall pay the interest on moneys borrowed by them under and provide the requisite instalments and sinking fund prescribed by the Act of 1888 the Act of 1889 the Act of 1890 the Act of 1892 and this Act and the said section 125 shall be read and construed accordingly.

As to application of harbour revenue.

40. All the costs charges and expenses preliminary to and of and incident to the preparing applying for obtaining and passing

Costs of Act.

[Ch. cliv.]

Ribble Navigation Act, 1896.

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of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords shall be paid by the Corporation out of the harbour revenue borough fund and borough rate or out of money to be borrowed for the purpose under the powers of this Act.

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