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Act, 1898.



### CHAPTER cxcii.

An Act to confer further powers upon the Corporation of the County Borough of Burnley with respect to Tramways and to their Electric Lighting and other undertakings to make further provision for the improvement and good government of the Borough to amend and extend the provisions of the Local Acts relating to the Borough and for other purposes. A.D. 1898.

[2nd August 1898.]

**W**HEREAS the county borough of Burnley (in this Act called "the borough") is a municipal borough under and subject to the Municipal Corporations Act 1882 and is also a county borough under the Local Government Act 1888 and the mayor aldermen and burgesses of the borough (in this Act called "the Corporation") acting by the council are the sanitary authority for the district of the borough under the Public Health Act 1875 and are also the local authority of the same district within the meaning of the Tramways Act 1870:

And whereas the Burnley and District Tramways Company Limited are the owners or reputed owners of and are now working tramways within the district of the borough and the districts of the borough of Nelson the Padiham Urban District Council the Brierfield Urban District Council and the Reedley Hallows Parish Council all in the county of Lancaster:

And whereas the said tramways (herein-after referred to as "the tramways") were authorised by the Burnley and District Tramways Order 1879 confirmed by the Tramways Orders Confirmation Act 1879 (herein-after referred to as "the Order of 1879") and the greater part thereof are situate within the district of the borough: 42 & 43 Vict. c. cxiii.

And whereas by the Burnley and District Tramways Extension Order 1882 confirmed by the Tramways Orders Confirmation (No. 1) Act 1882 (herein-after referred to as "the Order of 1882") 45 & 46 Vict. c. cxxxvii.

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c. cxcvi. And whereas by the Burnley and District Tramways Extension Order 1887 confirmed by the Tramways Orders Confirmation (No. 1) Act 1887 (herein-after referred to as "the Order of 1887") the carriages used on the remainder of the tramways authorised by the Order of 1879 were authorised to be moved by steam or mechanical power :

And whereas the period of twenty-one years at the expiration of which the several local authorities for the respective districts in which the tramways are situate will become entitled under section 43 of the Tramways Act 1870 to purchase the portions of the tramways within their respective districts will expire on the eleventh day of August one thousand nine hundred :

And whereas it is expedient to confer upon the Corporation the powers in this Act contained for working and reconstructing the tramways or some of them :

And whereas the Corporation are the undertakers for supplying electric power and energy within the borough and it is expedient to authorise the use of electric power on the tramways :

And whereas it is expedient that the Corporation should have conferred upon them the further powers with reference to their electric lighting gasworks and waterworks undertakings in this Act contained :

And whereas it is expedient that the Corporation should have conferred upon them the further powers with reference to markets fairs and slaughter-houses and with reference to the collection of rates and the issue of redeemable stock in this Act contained :

And whereas it is expedient that the Corporation should be empowered to make and maintain the street improvement by this Act authorised and to erect maintain and use a crematorium for the purposes of the borough :

And whereas it is expedient to make the provisions in this Act contained for defraying the expenses of the equipment of the tramways and the cost of the said street improvement crematorium and other purposes of this Act and for the discharge of the various sums now outstanding in respect of the moneys already borrowed by the Corporation mentioned and set forth in the schedule to this Act :

And whereas an absolute majority of the whole number of the council at a meeting held on the twentieth day of October one thousand eight hundred and ninety-seven after ten clear days'

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notice by public advertisement of such meeting and of the purpose thereof in the Burnley Express and the Burnley Gazette newspapers being local newspapers published or circulating in the borough such notice being in addition to the ordinary notice 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 general rate :

And whereas such resolution was published twice in the said newspapers 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 fifth day of January one thousand eight hundred and ninety-eight 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 by Schedule III. of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

And whereas a plan and section showing the lines situation and levels of the works by this Act authorised and also a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Lancaster and are in this Act respectively referred to as the deposited plan section and book of reference :

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

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

PART I.—PRELIMINARY.

1. This Act may be cited as the Burnley Corporation (Tramways &c.) Act 1898. Short title.

2. This Act may be carried into execution by the Corporation acting by the council. Execution of Acts.

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Division of  
Act into  
Parts.

3. This Act is divided into Parts as follows:—

- Part I.—Preliminary.
- Part II.—Tramways.
- Part III.—Gas water and electricity.
- Part IV.—Markets fairs and slaughter-houses.
- Part V.—Street improvement.
- Part VI.—Crematorium.
- Part VII.—Lands.
- Part VIII.—Financial and borrowing.
- Part IX.—Rates.

Incorpora-  
tion of Acts.

4. The following Acts and parts of Acts (that is to say) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) and section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870 so far as the same are applicable to and not varied by or inconsistent with this Act are incorporated with and form part of this Act.

Interpreta-  
tion.

5. In this Act unless the subject or context otherwise requires—

- “The borough” means the municipal borough of Burnley;
- “The Corporation” means the mayor aldermen and burgesses of the borough acting by the council;
- “The town clerk” and “the treasurer” mean respectively the town clerk of the borough and the borough treasurer;
- “The council” means the town council of the borough;
- “The borough of Nelson” and “the corporation of Nelson” or “the Nelson Corporation” mean respectively the municipal borough of Nelson and the mayor aldermen and burgesses of the borough of Nelson acting by the council of that borough;
- “The Padiham Council” “the Brierfield Council” and “the Reedley Hallows Council” mean respectively the urban district councils for the districts of Padiham and Brierfield and the parish council for or other the local authority for the time being having jurisdiction within the district of the township of Reedley Hallows;
- “The borough fund” and “borough rate” mean respectively the borough fund and borough rate of the borough;
- “The general rate” means the general rate leviable for the borough;
- “The company” means the Burnley and District Tramways Company Limited or other the company corporation or

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person for the time being owning the tramways authorised by the Order of 1879; A.D. 1898.

“The tramway undertaking” means and includes the undertaking of the company or such part thereof as the Corporation may acquire possession of and from time to time work or lease under the provisions of this Act or any lease or agreement for working;

“The tramways” means the tramways of the company within the borough and such portions thereof without the borough as the Corporation may acquire or obtain the right to work or lease under the provisions of this Act;

“The tramway revenue” means the revenue of the tramway undertaking and the tramways respectively including the income if any arising from the investment of any reserve fund or renewal fund created under the provisions of this Act;

“Mechanical power” includes steam electric and every other motive power not being animal power;

“Engine” includes motor;

“The Act of 1871” and “the Act of 1883” mean respectively the Burnley Borough Improvement Acts 1871 and 1883;

“The Electric Lighting Order” means the Burnley Electric Lighting Order 1890 confirmed by the Electric Lighting Orders Confirmation (No. 2) Act 1890;

“The Order of 1894” means the Burnley Order confirmed by the Local Government Board’s Provisional Orders Confirmation (No. 4) Act 1894;

“The Order of 1896” means the Burnley Order confirmed by the Local Government Board’s Provisional Orders Confirmation (No. 19) Act 1896;

“The Order of 1897” means the Burnley Order confirmed by the Local Government Board’s Provisional Orders Confirmation (No. 5) Act 1897:

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.

PART II.—TRAMWAYS.

6. Notwithstanding anything to the contrary contained in the Tramways Act 1870 or any other Act or Order the Corporation may when and so soon as they shall have acquired by purchase or by lease or agreement the tramway undertaking place and run carriages Power to work tramways.

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A.D. 1898. — on and may work and may take and demand tolls and charges in respect of the tramways and over any other tramways which may hereafter be constructed by the Corporation or over which they may have or obtain any right or privilege of placing and running carriages or working or granting licences or leases to work and may provide all such stables buildings horses cars rolling stock engines machinery cable electric and other plant apparatus and appliances as may be requisite or convenient for the working or user by the Corporation of the tramway undertaking and tramways by animal or mechanical power and may sell or dispose of or exchange such of the before-mentioned articles and things as from time to time may no longer be required.

Tolls and charges.

7. Sections 27 to 32 inclusive of the Order of 1879 which relate to tolls and charges shall not apply to the working of the tramway undertaking or the tramways by the Corporation.

Rates for passengers.

8. The Corporation may demand and take for every passenger travelling upon the tramway or any part or parts thereof including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile and in computing the said rates and charges the fraction of a mile shall be deemed a mile but in no case shall the Corporation be bound to charge a less sum than two pence.

Passengers' luggage.

9. Every passenger travelling upon the tramway may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof.

Animals and goods.

10. The Corporation may demand and take in respect of any animals goods materials articles or things conveyed by them on the tramways including every expense incidental to the conveyance any rates or charges not exceeding the following:—

*Animals.*

For every horse mule or other beast of draught or burden threepence per head per mile;

For every ox cow bull or head of cattle threepence per head per mile;

For calves pigs sheep and small animals twopence per head per mile.

*Goods.*

For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure

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- and all undressed materials for the repair of public roads or highways threepence per ton per mile ; A.D. 1898
- For all iron ironstone iron ore pig-iron bar-iron rod-iron sheet-iron hoop-iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specially classed herein and for heavy iron castings including railway chairs fourpence per ton per mile ;
- For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings fivepence per ton per mile ;
- For cotton wools drugs manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein sixpence per ton per mile ;
- For every carriage of whatever description one shilling per mile.

*Small Packages.*

- For any parcel not exceeding seven pounds in weight threepence ;
- For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence ;
- For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence ;
- For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence ;
- For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight such sum as the Corporation may think fit :

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight :—

For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage shall exceed four tons but shall not exceed eight tons such sum as the Corporation may think fit not exceeding three shillings for any distance ;

For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage shall exceed eight tons such sum as the Corporation may think fit.

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*Regulations as to Rates.*

For articles or animals conveyed on the tramways for a less distance than three miles the Corporation may demand rates and charges as for three miles ;

For the fraction of a ton the Corporation may demand rates according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton ;

With respect to all articles except stone and timber the weight shall be determined according to the usual avoirdupois weight ;

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity :

Corporation  
not bound to  
carry goods.

The Corporation shall not be bound unless they think fit to carry passengers' luggage exceeding the weight in this Act in that behalf mentioned nor any parcel or goods.

As to fares  
on Sundays  
or holidays.

11. The Corporation shall not take or demand on Sunday or any public holiday any higher tolls or charges than those levied by them on ordinary week-days.

Cheap fares  
for labouring  
classes.

12. The Corporation at all times after the acquisition by them of the tramway undertaking shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening respectively as the Corporation think most convenient for artisans mechanics and daily labourers at fares not exceeding one half-penny per mile (the Corporation nevertheless not being required to take any fare less than one penny) Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Corporation for the running of such carriages the said Board shall have power to fix and regulate the same.

Periodical  
revision of  
rates and  
charges.

13. If at any time after three years from the acquisition by the Corporation of the tramway undertaking or after three years from the date of any order made in pursuance of this section in respect of the tramways it is represented in writing to the Board of Trade by the local authority of any district in which the tramways are wholly or partially situate or by twenty inhabitant ratepayers of that district or by the Corporation that under the



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circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the rates and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges by this Act authorised.

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14. As from the date of acquisition of the tramway undertaking by the Corporation the Order of 1882 and the Order of 1887 shall in respect of the tramway undertaking so acquired be deemed to be and the same are as from that date hereby repealed.

Provisions as to motive power in Orders of 1882 and 1887 not to apply to the Corporation.

15. The carriages used on the tramways when acquired by the Corporation may be moved by animal power or subject to the following provisions by mechanical power (that is to say):—

Provisions as to motive power.

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade:

(2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of electric power:

(3) The Corporation or any company or person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

(4) The Board of Trade if they are of opinion—

(A) That the Corporation or any company or person using mechanical power have or has made default in complying with the provisions of this Act or of the Board of Trade

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regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or

(b) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public ;  
may by order either direct the Corporation or any such company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Corporation or any such company or person shall comply with every such order :

In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Power to  
generate  
electricity.

**16.** For the purposes of working any of the tramways the Corporation may erect construct maintain and use dynamos and other electrical apparatus steam engines works and buildings and may use for the purposes aforesaid or any of them the existing electrical generating station and works of the Corporation and the lands belonging to the Corporation used or intended to be used therewith (namely) :—

The electric generating station of the Corporation and the plot of land adjacent thereto situate in Aqueduct Street within the borough having an area of two thousand six hundred and ninety-two square yards and bounded on the north by the new sanitary depôt of the Corporation on the south by a proposed new street in continuation of Grimshaw Street on the east by the embankment of the Leeds and Liverpool Canal and on the west by Aqueduct Street aforesaid :

And on such lands and not elsewhere the Corporation may erect maintain and use the existing or such further engines dynamos machinery generating plant buildings works and apparatus as may be necessary or expedient for carrying into effect the objects of this Act but the Corporation shall not create or permit a nuisance on any such lands.

Special pro-  
visions as to  
use of electric  
power.

**17.** The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the carriages :—

- (1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working

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of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus : A.D 1898.

- (3) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (4) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (5) If any difference arises between the Corporation and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :
- (6) The electric power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water-pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (7) The expression " Corporation " in this section shall include lessees licencees and any person owning working or running carriages over any tramway of the Corporation.

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Byelaws.

**18.** Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say):—

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

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

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

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

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

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

Recovery of penalties.

**19.** Any penalty under this Act or under any byelaws or regulations made under this Act may be recovered in manner provided by the Summary Jurisdiction Acts.

Amendment of Tramways Act 1870 as to byelaws by local authority.

**20.** The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the Orders of 1882 and 1887 respectively or by the Board of Trade regulations at which engines are to be driven or propelled on the tramways under the authority of this Act but the local authority may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so authorised.

Orders &c. of Board of Trade.

**21.** All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

22. In the event of any of the tramways of the Corporation being worked by electric power the following provisions shall have effect:—

For protection of  
Postmaster-  
General.

- (1) The Corporation shall construct their electric lines and other works of all descriptions and shall work the tramway 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 the tramway 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 system which may be directed by the arbitrator:
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the tramway undertaking by the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:
- (3)—(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 (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;

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(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 :

- (4) 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 :
- (5) 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 :
- (6) 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 :
- (7) 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 :
- (8) The expression " electric line " has the same meaning in this section as in the Electric Lighting Act 1882 :
- (9) 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

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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. 1898.

(10) 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:

(11) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on any of the tramways of the Corporation.

**23.** Notwithstanding any provision in any Act or Provisional Order relating to any of the tramways the Conveyance of Mails Act 1893 shall extend and apply to the tramways as if the same had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three and to the Corporation as the body or person owning or working the tramways. Application of Mails Act 1893.

**24.** Subject to the provisions of this Act with respect to lines belonging to or situate within the respective districts of the Nelson Corporation and the Padiham Brierfield and Reedley Hallows Councils the Corporation may repair alter and reconstruct the tramways or any of them as they may see fit and may construct erect lay down and maintain in over or under the surface of any street all such works as may be necessary or expedient for the purpose of adapting the tramways or any of them to the use of mechanical power. Power to repair and reconstruct tramways.

**25.** Subject to the provisions of this Act with respect to the Nelson Corporation and the Padiham Brierfield and Reedley Hallows Councils it shall be lawful for the Corporation to make and maintain such openings in on or under the surface of any street or place and to attach with the consent of the owner and occupier to any house or building such conductors wires tubes pipes mains cables posts ropes or apparatus as may be necessary or convenient for working the tramways or any of them by mechanical power or for providing access to or forming connexions with any generating stations buildings works engines machinery or apparatus. Power to attach conductors wires &c.

**26.** If the Nelson Corporation and the Padiham Brierfield and Reedley Hallows Councils respectively or either of them shall not within the period limited by section 43 of the Tramways Act 1870 have exercised their power to purchase from the company so much of the tramway undertaking as is within their respective districts it shall be lawful for the company with the consent of those councils Power to company to lease portions of the tramways.

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A.D. 1898. — respectively so far as regards the portion of the tramways within their respective districts to grant to the Corporation and for the Corporation to accept a lease of so much or such part or parts of the tramways without their district as to which the power to purchase shall not for the time being have been exercised and as shall form a continuous communication with the tramways within the district of the Corporation and such lease if so granted shall subject as herein-after provided be granted on the terms and conditions set forth in section 19 of the Tramways Act 1870 Provided always that if in the opinion of the Board of Trade any such consent shall have been unreasonably withheld to any such lease the approval of the Board of Trade thereto shall be deemed equivalent to such consent Provided further that the term for which such lease shall be granted shall not exceed the term of seven years from the expiration of the said period but shall with the consent of the Board of Trade be renewable and may with the like consent and if the Corporation shall by notice in writing to the company under the hand of the town clerk so require be renewed at the expiration of such term of seven years for a term of three years and at the expiration of every subsequent term of three years for a like term of three years if and so long as the respective portion or portions of the tramways so leased as aforesaid shall remain unsold to the Nelson Corporation the Padiham Council the Brierfield Council or the Reedley Hallows Council as the case may be and every such notice of renewal shall be given not less than three months before the expiration of the said respective terms of years Provided also that nothing herein contained shall prejudice or affect the rights of the Nelson Corporation the Padiham Council the Brierfield Council or the Reedley Hallows Council respectively under section 43 of the Tramways Act 1870.

For  
protection  
of Nelson  
Corporation  
Padiham  
Brierfield and  
Reedley  
Hallows  
Councils and  
Burnley and  
District  
Tramways  
Company  
Limited.

27. For the protection of the corporation of Nelson and the urban district councils of Padiham and Brierfield the Reedley Hallows Council and the Burnley and District Tramways Company Limited the following provisions shall have effect:—

- (1) If and when the Corporation or their lessees commence to work the tramway undertaking of the company or any part thereof within the borough they or their lessees may and shall continue to work the existing tramway between Padiham on the north-westerly side and Nelson on the north-easterly side of the borough in conjunction with and so long as they or their lessees work the tramway undertaking of the company or any part thereof within the borough :



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(2) The Corporation and the Nelson Corporation and the urban district councils of Padiham and Brierfield and the Reedley Hallows Council respectively shall and will exercise their powers of purchasing the portion of the tramways within their respective boroughs and districts as provided by section 43 of the Tramways Act 1870 within six months after the eleventh day of August one thousand nine hundred : A.D. 1898.

(3) The terms and conditions upon which the said tramways shall be worked by the Corporation under the provisions of this section shall be from time to time settled by agreement between the Corporation the corporation of Nelson and the urban district councils of Padiham and Brierfield and the Reedley Hallows Council respectively or in default of agreement by arbitration as herein-after provided but it shall not be obligatory upon the Corporation to accept a lease for a shorter term than twenty-one years Provided that nothing in this section contained shall empower the corporation of Nelson or the district councils of Padiham or Brierfield or the Reedley Hallows Council to interfere with or restrict the Corporation in the working of the tramways for local traffic within the borough so long as the Corporation shall provide from Padiham to Burnley and vice versâ and from Burnley to Nelson and vice versâ as good a service as that afforded by the company during the week ending the ninth day of July one thousand eight hundred and ninety-eight :

(4) If any dispute arises under the foregoing provisions it shall unless otherwise agreed be decided by the Board of Trade or by an arbitrator to be appointed by the Board of Trade either of whom may as incidental or in addition to deciding any such dispute determine the following matters :—

(A) The rent to be paid by the Corporation to the corporation of Nelson and the urban district councils of Padiham and Brierfield and the Reedley Hallows Council respectively having regard to all the circumstances and conditions affecting or incident to the working of the tramways under the provisions of this section ;

(B) The works to be from time to time executed by the Corporation the corporation of Nelson and the urban district councils of Padiham and Brierfield and the Reedley Hallows Council respectively to keep the tramways in repair or to adapt the same to the same system of traction or mechanical power as shall be used by the Corporation under the enabling provisions of the sections of this Act

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the marginal notes of which are "Provisions as to motive power" and "Power to repair and reconstruct tramways" and the costs of any such arbitration shall be in the discretion of the Board of Trade or of the arbitrator appointed by them in that behalf.

Power to  
make  
working  
agreements.

**28.** The Corporation on the one hand and the Nelson Corporation the Padiham Council the Brierfield Council and the Reedley Hallows Council or any or either of them on the other hand may subject to the provisions of this Act enter into agreements with respect to the following purposes or any of them (that is to say):—

The maintenance management and repair of any tramways for the time being belonging to them respectively or any part thereof;

The working and leasing of their respective tramways or any part thereof and the conveyance of traffic thereon;

The collection and apportionment of the tolls rents or other receipts arising from the respective tramways:

Provided that every such agreement and any lease made in pursuance thereof shall be terminable by any party thereto at the expiration of any term not exceeding twenty-one years from the date thereof but may be renewed for a like term at the expiration of any such term and of every subsequent term for which the same may from time to time be renewed.

Provision as  
to tramways  
acquired by  
Nelson  
Corporation  
and Padiham  
Brierfield  
and Reedley  
Hallows  
Councils.

**29.** If and whenever the Nelson Corporation and the Padiham Council the Brierfield Council and the Reedley Hallows Council or any or either of them shall have acquired possession of the tramways or any part thereof within their respective districts they may respectively grant to the Corporation and the Corporation may accept a lease from them respectively of the tramways or portion of tramways so acquired for any term or terms not exceeding the periods prescribed by section 19 of the Tramways Act 1870 and the provisions of section 19 of the Tramways Act 1870 (save in so far as it prohibits or restricts the running of carriages by a local authority upon a tramway) shall apply to every such lease and for the purposes of every such lease the said last-mentioned section shall be read and have effect as if the Corporation were a corporation or company to whom a local authority is thereunder authorised by lease to demise a tramway.

Powers of  
reconstruc-  
tion &c. not  
to be  
exercised  
without  
consent of

**30.—(1)** The powers given to the Corporation by this Act under the sections whereof the marginal notes are "Power to repair and reconstruct tramways" and "Power to attach conductors wires &c." shall not be exercised by the Corporation with regard to lines belonging to or situate within the respective districts of the Nelson

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Act, 1898.

Corporation and the Padiham Council the Brierfield Council or the Reedley Hallows Council without the consent in writing of the Nelson Corporation under the hand of their town clerk or of the said councils respectively under the hands of their respective clerks but the Nelson Corporation and the said councils respectively may if they think fit in the event of the said councils respectively becoming owners of the tramways within their respective districts exercise such powers themselves within their respective districts Provided nevertheless that no such powers shall be exercised by the Corporation the Nelson Corporation or the said councils respectively upon or over any main road for the time being under the jurisdiction of and repairable by the Lancashire County Council or any bridge and the approaches thereto repairable by the inhabitants of the county of Lancaster or of any hundred therein without the consent in writing of the Lancashire County Council under the hand of their clerk.

A.D. 1898.  
Nelson Corporation and Padiham Brierfield and Reedley Hallows Councils.

(2) If the tramway lines belonging to or situated within the respective districts of the Nelson Corporation and the said councils or any or either of them shall be adapted for electric traction and if in the opinion of the Board of Trade the Nelson Corporation and the said councils or any or either of them shall have electric works capable of and suitable for supplying electric power for working the said tramway lines then it shall be lawful for the Nelson Corporation and the said councils or any or either of them if they think fit to supply the electric power for working the said tramway lines within their respective districts and the Corporation if and so long as they shall work the said tramway lines in any or either of the said districts shall take such supply at such price and upon such terms as may be agreed upon between the Corporation and the Nelson Corporation or such respective council as the case may be or failing agreement as shall be determined by the Board of Trade.

(3) All expenses incurred by the Nelson Corporation and the said councils respectively in the exercise of any power conferred upon them by this Act may be paid out of the like rate and they shall have the like powers to borrow on the security of the same as if such expenses were incurred in applying for obtaining and carrying into effect any Provisional Order obtained by them under the Tramways Act 1870.

31. For the protection of the Lancashire and Yorkshire Railway Company (in this section called "the company") the following provisions shall unless otherwise agreed between the Corporation

For protection of Lancashire

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A.D. 1898.  
and York-  
shire Rail-  
way Com-  
pany.

(which expression in this section shall include any local authority by whom the powers of this Act may be exercised) and the company be observed and have effect (that is to say):—

- (1) Where any tramway which the Corporation are by this Act authorised to work or use or to repair alter or reconstruct is laid along a road which is carried by means of a bridge over any railway of the company the Corporation shall so carry out any works of repair alteration or reconstruction as not to alter or interfere with the structure of any such bridge or of the approaches thereto unless such alteration or interference be absolutely necessary for the purposes of such repair alteration or reconstruction :
- (2) In the event of any such alteration or interference the Corporation shall together with the notice required in such cases by section 26 of the Tramways Act 1870 submit to the company detailed drawings and specifications showing the proposed work as affecting such bridge and if any difference arise between the Corporation and the company as to such alteration or interference the same shall be left to the decision of the Board of Trade and the Corporation shall so construct and maintain the tramway as not to injuriously affect the stability of such bridge or the approaches thereto :
- (3) In the event of any injury being caused to any such bridge or the approaches thereto by the alteration reconstruction repairing user or removal of the tramways the company may at the expense of the Corporation after giving two clear days notice in writing of their intention so to do restore such bridge and approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the Corporation shall indemnify the company against all sums costs and expenses which they may reasonably pay or be put to in restoring the said bridge and approaches in manner aforesaid and in repairing and maintaining (in case of default by the Corporation) so much of the road over such bridge and approaches as the Corporation are liable to maintain under section 28 of the Tramways Act 1870 and the company may recover from the Corporation all such sums costs and expenses :
- (4) All works which may be necessary in altering reconstructing laying and maintaining the tramways over any such bridge shall be constructed and maintained in all things at the expense of the Corporation and to the reasonable satisfaction of the engineer of the company or in case of difference of an engineer

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Act, 1898.

to be appointed by the Board of Trade on the application of the company or the Corporation : A.D. 1898.

- (5) In case it shall become necessary in consequence of the existence or user of the tramways to strengthen the fabric of any such bridge the company may execute such works as their engineer may deem necessary but in all things at the expense of the Corporation and the company may recover from the Corporation all moneys expended by them in the execution of such works as aforesaid :
- (6) If it shall become necessary for effecting such strengthening that the working and use of any portion of the tramways shall be wholly or in part stopped or delayed and the company shall give the Corporation three clear days notice in writing requiring such stoppage or delay the working or user of such portion of the tramways shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such strengthening and the company shall not be liable for any compensation claim demand damages costs or expenses for or in respect of such stoppage or delay :
- (7) The sleepers and other materials forming the substructure of the tramways where the same cross any such bridge or are laid along the approaches thereto shall subject to the provisions of this section be such as shall be reasonably approved of by the company :
- (8) In constructing and maintaining any pipes and excavations under the tramways in order to lay use or maintain wire ropes or cables or any similar apparatus as a motive power for the carriages running on such tramways or any of them or in laying using and maintaining any such wire ropes or cables or apparatus in any place where such tramways cross any bridge carrying any road over a railway of the company the following provisions shall be in force and have effect and be binding upon the Corporation and their assigns :—
  - (A) The Corporation shall not (except with the consent in writing of the company) in any way alter or interfere with the structure of any such bridge or of the approaches thereto and they shall so construct lay and maintain such pipes excavations ropes cables and apparatus over such bridge and the approaches thereto as not injuriously to affect the same ;
  - (B) In the event of any injury being caused to any such bridge or approaches by the construction maintenance laying repairing user or removal of such pipes excavations ropes

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cables and apparatus the company may at the expense of the Corporation restore such bridge or approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the Corporation shall indemnify the company against all sums costs and expenses which they may reasonably pay or be put to in repairing and maintaining so much of the road over such bridge and approaches as the Corporation are liable to maintain and repair under the twenty-eighth section of the Tramways Act 1870 and the company may recover from the Corporation all such sums costs and expenses ;

(c) All works which may be necessary in constructing laying and maintaining any of the said pipes excavations ropes cables or apparatus over any bridge works or other property of the company shall be constructed and maintained in all things at the expense of the Corporation and to the reasonable satisfaction of the principal engineer of the company or in case of difference of an engineer to be appointed by the Board of Trade on the application of the company or the Corporation :

(9) Whenever and so often as the company shall require to widen lengthen strengthen reconstruct alter or repair any such bridge or approaches or to widen or alter their railways or to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and they shall find it necessary for effecting any of such purposes that the working and user of any of the said tramways over such bridges or approaches shall be wholly or partly stopped or delayed or that such tramways shall be temporarily diverted or be wholly or in part taken up or removed and shall except in cases of emergency give to the Corporation seven clear days notice in writing requiring such stoppage delay or diversion taking up or removal the working or user of such tramways shall be stopped or delayed or such tramways shall be diverted or taken up or removed accordingly at the expense of the Corporation and under the superintendence of their engineer (if such engineer shall give such superintendence) but only for so long as the company may find it to be absolutely necessary for effecting such purpose and the company shall not be liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto :

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(10) All differences that may arise between the Corporation and the company touching anything to be done or omitted to be done or not to be done or the reasonableness of any charges or in any manner in connexion with this section shall be settled by a referee to be nominated by the Board of Trade under section 33 of the Tramways Act 1870 and such lastly mentioned section shall apply to all such differences.

A.D. 1898.

**32.** The tramway revenue shall be applied—

Application  
of tramway  
revenue.

- (1) In maintaining the tramways and so much of the street in which the same are laid as is required to be maintained and kept in good repair and condition by the promoters of tramways by section 28 of the Tramways Act 1870;
- (2) In paying all working and other expenses (including any rent payable under any lease granted to the Corporation of any tramway or tramways without the borough) properly chargeable to revenue;
- (3) In providing the interest on any moneys raised or borrowed by the Corporation under the powers of this Act together with the amount necessary to be paid into a sinking fund or redemption fund to provide for the repayment of the money so borrowed;
- (4) The surplus after providing for such payments as aforesaid may be transferred by the Corporation if they think fit to a reserve fund or renewal fund for the purposes of the tramway undertaking or into a suspense account or in extending and developing the tramway undertaking or in increasing the amount required to be paid into any sinking fund or redemption fund in respect of money borrowed by the Corporation for tramway purposes but subject as herein-after mentioned no part of the surplus shall be paid to the credit of any rate until a reserve fund of at least five thousand pounds shall have been provided Provided that if and whenever there shall be remaining in the hands of the Corporation any surplus on account of tramway revenue after payment of the charges and making the transfers and appropriations herein-before provided for such surplus shall be carried to the borough fund;
- (5) In case the tramway revenue shall be insufficient to meet the charges upon it the deficiency may be provided by the Corporation out of the borough rate provided that the amount so paid out of the borough rate may be replaced out of any future surplus as and when the Corporation may think fit.

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Act, 1898.

A.D. 1898.

For protection of  
Lancashire  
County  
Council.

**33.** For the protection of the county council of the county palatine of Lancaster (in this section called "the council") the following provisions shall as from the date of the acquisition by the Corporation of the tramway undertaking have effect (that is to say):—

- (1) Before commencing to execute any new work in connexion with the tramway undertaking upon any main road under the jurisdiction of the council or upon any bridge and the approaches thereto repairable by the inhabitants of the said county or any hundred therein (herein-after referred to as a county or hundred bridge) the Corporation shall submit to the council for its reasonable approval plans sections and specifications of such proposed new works. Provided that if the council fail within thirty days after such submission to signify their disapproval in writing they shall be deemed to have approved thereof. Provided further that if the council shall signify their disapproval of such plans sections and specifications and the Corporation and the council shall fail to agree thereon for the space of fourteen days from the date of such disapproval the same shall be settled by arbitration in manner herein-after provided:
- (2) The Corporation shall maintain the portion of the said main road county or hundred bridge affected by such new works of the Corporation for such period (not being less than twelve months from the date of the efficient restoration thereof) as there shall be any subsidence in the surface of such main road or any defect in such county or hundred bridge arising from any such new works as the case may be:
- (3) All works affecting the said main road county or hundred bridge shall be executed to the reasonable satisfaction of the surveyor to the council:
- (4) The council shall not be liable to make any compensation whatever for any damage or injury to the tramways by the altering or rebuilding of any such county or hundred bridge and the approaches thereto. Provided that in altering or rebuilding any such bridge or the approaches thereto nothing shall be done to impede or interfere with the tramways for any greater length of time or in any other manner than may be necessary for the execution of the works and before commencing such alteration or rebuilding fourteen days notice thereof shall be given by the council to the Corporation and the council shall afford the Corporation all necessary and reasonable temporary facilities for enabling them to continue



the traffic on the tramways during such alteration or rebuilding: A.D. 1898.

- (5) If any such bridge upon or along which any of the tramways are laid be altered widened or rebuilt by the council the council may require the Corporation to alter any such tramways in such manner as the circumstances of the case may reasonably require Provided that in case of any difference between the council and the Corporation as to such alteration widening or rebuilding the same shall be settled in manner herein-after mentioned :
- (6) If any dispute or difference shall arise between the council and the Corporation respecting the necessity for the exercise of or in any way relating to the powers or provisions of this section or otherwise such dispute or difference shall except where otherwise expressly provided be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of the difference in the said section mentioned.

**34.** Nothing in this Act contained shall exempt the Corporation or the tramway undertaking from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by this Act. Provision as to general Tramway Acts.

### PART III.—GAS WATER AND ELECTRICITY.

**35.** For preventing misuse of gas and for preventing accidents in connexion with the supply of gas the following provisions shall have effect (that is to say) :— Regulations for preventing misuse of and accidents from gas.

- (1) The Corporation may make such regulations as they think necessary for the objects aforesaid to be observed by persons supplied with gas :
- (2) By any such regulations the Corporation may direct the use and prescribe the size nature strength and materials and the mode of arrangement alteration and repair of pipes valves meters and other apparatus to be used by such persons respectively for carrying delivering and receiving gas and may interdict any arrangement and the use of any pipe valve meter burner or other apparatus in their judgment likely to occasion misuse of gas or likely to cause accident :
- (3) The Corporation shall not be bound under any agreement or otherwise to supply or continue to supply gas to any person unless such regulations as are for the time being in force are duly observed by him.

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A.D. 1898.

Power to Corporation to supply materials &c. for gas.

**36.** The Corporation may if requested by and at the cost of any person supplied or about to be supplied by them with gas furnish repair or alter any such pipes meters and fittings connected therewith as are required or permitted by their regulations and such costs may be recovered by the Corporation as a debt and the Corporation may provide all materials and do all work necessary for the purposes of this section.

Power to Corporation to supply materials and fittings for electricity.

**37.** The Corporation may provide and may sell or let on hire to any person supplied or about to be supplied by them with electrical energy within the area of supply as defined by the Electric Lighting Order electrical motors and engines and arc and other electric lamps and other electrical fittings and apparatus and all charges therefor shall be recoverable as a debt.

Discount on electrical charges &c.

**38.** The Corporation may if they think fit make an allowance by way of discount not exceeding the rate of ten per centum on the amount due in respect of any charges for electrical energy supplied by them from every person who pays the same within such time after demand thereof as the Corporation think fit to prescribe in that behalf and notice to this effect shall be endorsed on every demand note in respect of such charges Provided that in making such allowance the Corporation shall not show any undue preference to any consumer.

Power to Corporation to alter joint communication pipes for water supply in case of houses erected before passing of Act of 1871.

**39.** If in any case of two or more houses erected prior to the passing of the Act of 1871 supplied with water by means of one common pipe (not being a pipe laid under a street repairable by the Corporation) communicating with any main of the Corporation the medical officer of health or the sanitary inspector for the borough or any other duly authorised officer of the Corporation shall report to the Corporation that such pipe is inefficient for conveying a proper and sufficient supply of water to such houses or either or any of them or that the position of such common pipe is such as to prevent due and proper inspection thereof or is causing or is likely to cause injury to the health of the inhabitants of any of such houses by reason of leakage or otherwise or causes or is likely to cause undue waste of water from leakage or any other cause the Corporation may by notice in writing under the hand of the town clerk require the several owners of such houses to provide a new pipe or pipes for the supply of water to such houses together with a separate service pipe from such new pipe or pipes for the supply of each such house in such manner as the Corporation may by such notice direct and to remove and disconnect such common pipe to the satisfaction of the Corporation and if such notice is not complied

[61 & 62 Vict.] *Burnley Corporation (Tramways, &c.)* [Ch. cxcii.]  
Act, 1898.

with the Corporation may if they think fit do the works specified in any such notice and the expenses incurred by the Corporation in doing such works shall be paid by the owner or owners of such houses in such proportions as the Corporation may decide and may be recovered by the Corporation in manner provided by section 180 of the Act of 1871 for the recovery of expenses incurred by the Corporation under that section and the provisions of section 130 of the Act of 1871 as to power to enter and inspect premises shall subject as herein-after provided apply to and be exerciseable in respect of anything provided for in this section in like manner as if the matters and things provided for in this section had been specifically named in section 130 of the Act of 1871. Provided that the Corporation shall not exercise the power of entry and inspection conferred by this section until they shall have given to the occupier or left upon the premises at least twenty-four hours notice in writing of their intention to enter upon any premises for the purpose of such inspection.

A.D. 1898.

PART IV.—MARKETS FAIRS AND SLAUGHTER-HOUSES.

40. In addition to the market-places and other buildings which the Corporation are by section 252 of the Act of 1871 authorised to provide they may provide in connexion with any markets or public slaughter-houses or abattoirs belonging to them a refrigerator or cold air stores for the storage and preservation of marketable articles together with an ice-making apparatus and such other apparatus as may be necessary for the due and proper working and regulating of the said refrigerator cold air stores and ice-making apparatus and may demand and take in respect of such refrigerator and cold air stores such tolls rents and charges as the Corporation may determine and may make and sell ice and apply the proceeds of such sales to the maintenance of the apparatus.

Power to establish cold air stores &c.

41. For the purposes mentioned in the last preceding section the Corporation may purchase by agreement or take at a rent any lands and any easements or rights in over or affecting lands or may with the sanction of the Local Government Board appropriate any lands for the time being belonging to them or under their control but the Corporation shall not create or permit a nuisance on any such lands.

Purchase of land &c. for cold air stores &c.

42. As from the passing of this Act section 260 of the Act of 1871 shall be read and have effect as if the words "or in the dwelling-house or shop of the buyer or intended buyer" were omitted therefrom and the said words are hereby repealed.

Amendment of section 260 of Act of 1871 as to hawkers &c.

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Horses to  
be weighed  
with carts.

43. Section 276 of the Act of 1871 shall as from the passing of this Act be read and have effect as if the words "cart with the horse or other animal drawing the same and harness attached thereto" were used therein in place of the word "cart" wherever such last-mentioned word occurs therein and section 278 of the Act of 1871 shall in like manner be read and have effect as if the words "cart with the horse or other animal drawing the same and harness attached thereto" were used therein in the place of the word "cart" wherever such last-mentioned word occurs therein.

Tolls for  
carcases of  
dead animals  
brought into  
market.

44. The Corporation may demand and receive for the carcase of every animal exposed for sale in any market of the Corporation tolls not exceeding the following namely:—

For every bull ox cow steer or heifer one shilling;

For every calf and for every head of swine threepence;

For every sheep or lamb twopence;

Provided nevertheless (1) that the Corporation shall not be entitled to charge market tolls for the carcase of any animal exposed for sale on any butcher's stall in respect of which toll has been paid and (2) that until the Corporation shall have provided a suitable and sufficient market-place or market-house for the sale of the carcases of animals with proper conveniences for the use thereof the Corporation shall not demand any toll under this section for the carcase of any animal which has been slaughtered in a slaughter-house of the Corporation and in respect of which the slaughter-house toll has been paid.

PART V.—STREET IMPROVEMENT.

Power to  
make a  
street im-  
provement.

45. Subject to the provisions of this Act the Corporation may make and maintain the street improvement herein-after mentioned and shown on the deposited plan together with all necessary works and conveniences connected therewith or incident thereto in the lines and situations shown on the deposited plan and upon the levels shown on the deposited section (that is to say):—

To widen and improve Lowerhouse Lane for a distance of seventy-five yards or thereabouts from a point twenty yards west of a point opposite the centre of Kidrow Lane at its junction with Lowerhouse Lane for a distance of fifty-five yards east from such last-mentioned point.

Period for  
completion  
of works.

46. The works authorised by this Part of this Act shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing those works or otherwise in relation

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thereto shall cease to be exercised except as to so much thereof as shall then be completed. Provided that the cesser of those powers shall not prevent the Corporation from executing from time to time thereafter any works in connexion with so much of those works as is then completed.

A.D. 1898.

47. In the construction of the works authorised by this Part of this Act the Corporation may deviate vertically from the levels shown on the deposited section to any extent not exceeding two feet upwards and two feet downwards.

Deviation.

48. Subject to the provisions of this Act and within the limits defined on the deposited plan the Corporation in connexion with the street improvement authorised by this Act and for the purposes thereof may alter divert stop up inclose use or appropriate all or any part of any place court alley or passage whether a thoroughfare or not or of any thoroughfare road lane or way or of any drain sewer channel void ground or other property shown on the deposited plan the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer. Provided that the provisions of section 308 of the Public Health Act 1875 (Compensation in case of damage by local authority) shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Power to make subsidiary works.

49. The sites of all houses and all lands purchased by the Corporation under the powers of this Part of this Act and laid into and appropriated for streets shall when and so soon as the same are so laid into and appropriated for streets be and for ever thereafter form part of the public streets and shall be repaired and maintained and kept in repair in such and the same way and manner as the streets in the borough are for the time being by law maintained repaired and kept in order.

Lands laid into new streets to be public highways.

50. The Corporation may from and after the passing of this Act close stop up and discontinue and extinguish all rights or easements in upon and over so much of the public recreation ground as is delineated on the deposited plan within the "limits of land to be appropriated for sale" shown on the said plan and the soil of so much as aforesaid of such public recreation ground shall vest in the Corporation freed and absolutely discharged from all such rights and easements.

Extinguishment of rights of way.

PART VI.—CREMATORIUM.

51.—(1) In addition to the powers conferred upon them by the Act of 1871 with respect to a cemetery the Corporation may set apart for and build provide fit up equip and maintain a crematorium

Power to establish a crematorium.

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Act, 1898.

A.D. 1898. — proper and sufficient for the cremation of human remains on the following lands (that is to say) :—

A plot of land situate in the township or parish of Burnley in the county palatine of Lancaster adjoining the Burnley Cemetery and bounded on the north-east by Back Lane on the south by land belonging or reputed to belong to the executors of the late Colonel Hargreaves on the west by the Burnley Cemetery and on the north by the Cemetery Road.

(2) No cremation of human remains shall take place in any crematorium of the Corporation until the plans of such crematorium have been approved of by a Secretary of State.

(3) The Corporation shall prepare byelaws as to cremation and submit them to a Secretary of State and the Secretary of State may approve of such byelaws with or without modifications and after having approved of such byelaws he may at any time require them to be submitted to him for revision or modification.

(4) The byelaws shall prescribe in what cases in what mode and under what conditions cremations may take place and may prescribe the forms of the certificates and declarations to be given or made before a cremation is permitted to take place and such declarations shall be made under and by virtue of the Statutory Declarations Act 1835 and such certificates shall be confirmed by a declaration made under and by virtue of the same Act.

(5) Every person who shall contravene any such byelaws or shall wilfully carry out or procure or take part in the cremation of any human remains in such crematorium except in accordance with such byelaws shall (in addition to any liability or penalty which he may otherwise incur) be liable on summary conviction to a penalty not exceeding fifty pounds.

(6) Every person who shall wilfully make any false declaration or representation or sign or utter any false certificate with a view to procuring the cremation of any human remains in such crematorium shall (in addition to any penalty or liability which he may otherwise incur) be liable on summary conviction to a fine not exceeding fifty pounds.

(7) The Corporation may demand payment of any such charges or fees for such cremation as may be authorised by any table approved by a Secretary of State and such charges or fees shall be deemed to be a debt due to the Corporation from the estate of the deceased.

(8) Nothing in this section shall interfere with the jurisdiction of any coroner under the Coroners Act 1887 or any Act amending the same and nothing in this section shall authorise the Corporation to create or permit a nuisance.

PART VII.—LANDS.

A.D. 1898.

**52.** Subject to the provisions of this Act the Corporation may enter upon take and appropriate and use compulsorily or by agreement all or any of the lands shown on the deposited plan and described in the deposited book of reference which they may require for the purposes of the street improvement by this Act authorised and also for the purpose of securing sites for the erection of suitable houses and buildings adjoining the said street improvement.

Power to  
acquire  
lands.

**53.** Subject to the provisions of this Part of this Act the Corporation may from time to time with the sanction of the Local Government Board appropriate and use for any of the purposes of this Act any lands from time to time belonging to them as part of their corporate estate or vested in them as a sanitary authority and which are not required for the purposes for which the same were acquired. Provided that nothing herein contained shall authorise the Corporation to use for the purpose of generating electricity or erecting the crematorium as by this Act authorised any lands other than those specifically mentioned in this Act as to be used for those purposes respectively.

Power to  
appropriate  
lands for  
purposes of  
Act.

**54.** If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plan or specified in the deposited book of reference the Corporation after giving ten days notice to the owners lessees and occupiers of the lands 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 misstatement or wrong description arose from a mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Lancaster and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plan 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.

Correction  
of errors &c.  
in deposited  
plan and  
book of  
reference.

A copy of or an extract from such certificate purporting to be under the hand of the clerk of the peace aforesaid (which

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Act, 1898.

A.D. 1898. — copy or extract he shall give when required under his hand to any person interested) shall be conclusive evidence of such correction.

Restrictions  
on displac-  
ing persons  
of labouring  
class.

**55.**—(1) The Corporation shall not under the powers by this Act granted purchase or acquire in any parish ten or more houses which on the fifteenth day of December last were or have since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

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

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

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

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

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

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



[61 & 62 VICT.] *Burnley Corporation (Tramways, &c.)* [Ch. cxcii.]  
Act, 1898.

(5) If the Corporation acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty. A.D. 1898.

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

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

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

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

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

(8) The Corporation shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

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A.D. 1898.

(9) For the purposes of this section the expression "labouring class" means mechanics, artizans, 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.

Limitation  
of time for  
compulsory  
purchase of  
lands.

56. 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 ease-  
ments &c. by  
agreement.

57. 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 persons other than the grantors have an interest) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements, rights and privileges as aforesaid respectively.

Power to  
acquire  
additional  
lands by  
agreement.

58.—(1) 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 or otherwise) by agreement purchase or take by way of exchange or take on lease or otherwise acquire and hold any land not exceeding in the whole five acres and any right, easement or privilege therein thereunder thereover or thereupon (not being an easement right or privilege of water in which persons other than the grantors have an interest) but the Corporation shall not create or permit a nuisance on any such lands.

(2) The consideration for any such acquisition may be either money or land or a mixed consideration of money and land.

Power to  
retain, sell &c.  
lands.

59. 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

[61 & 62 Vict.] *Burnley Corporation (Tramways, &c.)* [Ch. cxcii.]  
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or appropriated 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 disposition and on any exchange may give or take any money for equality of exchange. A.D. 1898.

60. The proceeds of the sale of any surplus lands of the Corporation under the powers of this Act and any money received by the Corporation on any exchange of such lands and any money received as a fine on granting a lease of any such lands by the Corporation shall be distinguished as capital in the accounts of the Corporation and applied only to capital purposes for which such surplus lands were originally bought or in discharge of any moneys borrowed by the Corporation under this Act or any Act or Order relating to the Corporation but shall not be applicable to the payment of instalments or to payments into any sinking fund except to such extent as may be approved by the Local Government Board Provided that any borrowed moneys so paid off or discharged shall not be reborrowed Provided also that if borrowed money is so discharged then the payments to any sinking fund applicable to the repayment of such borrowed money may be reduced to such an extent and on such terms as the Local Government Board may sanction. Proceeds of  
sale &c. of  
surplus lands.

PART VIII.—FINANCIAL AND BORROWING.

61. All costs charges and expenses incurred by the Corporation in connexion with the supply of engines carriages and motive power for working the tramways when acquired by them and the repair and reconstruction of the tramways or any of them under the powers conferred on them by this Act including expenses incurred in the exercise of the powers conferred by the section of this Act whereof the marginal note is "Power to generate electricity" shall be paid by them in like manner and under and subject to the like provisions and restrictions as if such costs charges and expenses were incurred in the purchase of the tramways within the meaning of the Tramways Act 1870 and the provisions of the Tramways Act 1870 with reference to the payment of purchase money and expenses incurred by a local authority in the purchase of any undertaking shall extend and apply to all expenses incurred by the Corporation in connexion with the matters and things referred to in this section. Provision as  
to payment  
for equip-  
ment &c. of  
tramways.

[Ch. cxcii.] *Bunley Corporation (Tramways, &c.)* [61 & 62 VICT.]  
Act, 1898.

A.D. 1898.

Payment  
of cost  
of street  
improvement.

**62.** All costs charges and expenses to be incurred by the Corporation in the construction of the street improvement by this Act authorised including the acquisition of the necessary land for the purposes mentioned in the section of this Act the marginal note of which is "Power to acquire lands" shall be defrayed out of moneys to be borrowed with the sanction of the Local Government Board and for the purposes of such borrowing the provisions of the Public Health Act 1875 relating to borrowing powers shall apply to and be exerciseable by the Corporation as if the said costs charges and expenses were incurred by them in the execution of that Act.

Payment  
of cost of  
refrigerator  
&c.

**63.—**(1) The refrigerator or cold air stores and ice-making apparatus by this Act authorised shall be deemed to be one of the purposes of the Local Acts within the meaning of Article I. of the Order of 1897 and the cost of providing the same may be defrayed by the Corporation out of moneys borrowed or to be borrowed under the provisions of that Order.

(2) All moneys from time to time received by the Corporation in respect of the refrigerator or cold air stores and ice-making apparatus shall be paid to the treasurer and by him carried to the borough fund in accordance with the provisions of section 436 of the Act of 1871.

(3) The expenses of the execution of this Act with respect to the refrigerator or cold air stores and ice-making apparatus shall be paid out of the borough fund.

Payment  
expenses  
with respect  
to crema-  
torium.

**64.** For the purpose of defraying the expenses of the execution of this Act of and incidental to the setting apart for building providing fitting up and equipping the crematorium by this Act authorised the following provisions shall subject as herein provided have effect namely :—

(1) The provisions of the Order of 1897 with respect to borrowing shall extend and apply to such expenses and the crematorium shall be deemed to be one of the purposes of the Local Acts within the meaning of Article I of that Order :

(2) All moneys borrowed for the purposes of the crematorium shall be secured on the cemetery rate and cemetery fund authorised and created by sections 438 and 444 of the Act of 1871 and not on the borough fund and borough rate :

(3) All moneys from time to time received by the Corporation in respect of the crematorium shall be paid into and form part of the cemetery fund :

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Act, 1898.

(4) In addition to the sums payable out of the cemetery fund under section 444 of the Act of 1871 there shall be paid— A.D. 1898.

(A) The interest on all moneys borrowed for the purposes of the crematorium ;

(B) The proportion according to the amount so borrowed of the sinking fund by the Orders of 1896 and 1897 constituted ;

(C) The expenses of the execution of the provisions of this Act with respect to the crematorium.

**65.** And whereas the Corporation have from time to time under the sanction of Government Departments borrowed under the Public Health Act 1875 by means of mortgages mortgage debenture bonds and other statutory instruments large sums the particulars whereof are contained in the schedule to this Act which sums are repayable within different periods and it is expedient to equate the periods for repayment of the sums owing in respect of each debt : Provisions as to existing debt.

Therefore the following provisions shall have effect (namely) :—

All the provisions of any sanction of a Government Department prescribing the periods within which any of the respective sums set forth in column 6 in the schedule to this Act are to be repaid and all provisions contained in any such sanction or in any order of any Government Department under which any such sanction was given relating to the payment into a sinking fund of any annual sums for the purpose of providing for the repayment of the sums set forth in column 3 in the schedule to this Act are so far as regards the said sums set forth in column 6 in the schedule to this Act hereby repealed and the sums set forth in column 6 in the schedule to this Act shall be repaid within a period of twenty-eight years from the thirty-first day of March one thousand eight hundred and ninety-eight.

**66.**—(1) In order to provide for the repayment of the sums mentioned in column 6 in the schedule to this Act there shall be one sinking fund and the Corporation shall annually pay into that sinking fund such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to provide for the repayment of the whole of those sums within the period of years prescribed by this Act. One sinking fund for debts described in schedule.

(2) The first annual payment into the sinking fund shall be made on or before the thirty-first day of March one thousand eight hundred and ninety-nine and the subsequent annual payments on or before the thirty-first day of March in each succeeding year.

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A.D. 1898.

(3) Every sum paid to the sinking fund and the interest on the investments of the sinking fund shall unless applied in repayment of the sums specified in column 6 in the schedule to this Act be immediately invested in statutory securities as defined by section 87 of the Act of 1883 as altered by the Order of 1894 the Corporation being at liberty from time to time to vary and transpose such investments.

(4) The Corporation may at any time apply the whole or any part of the sinking fund in or towards the discharge of the sums specified in column 6 in the schedule to this Act Provided that the Corporation shall pay into the sinking fund each year a sum equal to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied if invested at the rate per centum on which the annual payments to the sinking fund are based.

(5) If and so often as the income of the sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the sinking fund are based any deficiency shall be made good by the Corporation.

(6) If and so often as the income of the sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

Contribu-  
tions to  
sinking  
fund.

**67.**—(1) If it appears to the Corporation at any time that the amount in the sinking fund established under this Act with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

(2) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to the sinking fund.

(3) If the amount in the sinking fund established under this Act with the future payments thereto in accordance with the provisions

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of this Act together with the accumulations thereon will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payment to be made to the sinking fund either temporarily or permanently to such an extent as the Board may approve.

A.D. 1898.

(4) If the amount in the sinking fund established under this Act at any time together with the probable accumulations thereon will in the opinion of the Local Government Board be sufficient to repay the moneys for the repayment of which it is formed within the prescribed period the Corporation may with the consent of that Board discontinue the equal annual payments to the sinking fund until the Local Government Board shall otherwise direct.

(5) Any surplus of any sinking fund established under this Act remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Local Government Board may determine.

(6) Any expense connected with the formation maintenance investment application management or otherwise of the sinking fund established under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

68. All sums and investments which at the thirty-first day of March one thousand eight hundred and ninety-eight shall or should be standing to the credit of any sinking fund then existing or which should then exist for the repayment of any moneys the repayment whereof is prescribed by this Act shall be carried to the sinking fund established by this Act for the repayment of the sums mentioned in column 6 in the schedule to this Act and credit shall be given for those sums in estimating the sums by this Act required to be paid into the said fund.

Sums in existing sinking funds to be carried to sinking fund under this Act.

69. The Corporation shall have the like powers as to reborrowing for the purpose of paying off the moneys set forth in column 6 in the schedule to this Act as are contained in Article VII. of the Order of 1896 with reference to the moneys mentioned in column 9 of Schedule B. to that Order.

Power to reborrow.

70. The provisions of Article VIII. of the Order of 1896 shall be applicable to the sinking fund to be established under the provisions of this Act as if such sinking fund were included in the provisions of that Article.

Annual return to Local Government Board.

71. The proviso to section 88 of the Act of 1883 (Creation of Corporation stock) providing that all redeemable stock at any time

Repeal of proviso to

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A.D. 1898.  
— — —  
section 88  
of Act of  
1883.

and from time to time created under that section shall be created on and subject to such terms and conditions as that the same shall be of one and the same class and that all irredeemable stock at any time and from time to time so created shall be created on such terms and conditions as that the same shall be of one and the same class is hereby repealed and redeemable stock may be created of different classes under and subject to the provisions of the Public Health Acts Amendment Act 1890 and any regulations for the time being made by the Local Government Board and in force thereunder Provided that every certificate issued in respect of each class of stock so created after the passing of this Act shall have endorsed thereon a statement that such stock ranks *pari passu* with the other redeemable stocks of the Corporation.

Recovery of  
demands  
under fifty  
pounds.

**72.** Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

PART IX.—RATES AND COSTS OF ACT.

As to  
collection of  
local rates.

**73.** The Local Government Board may prescribe the form of rate to include the poor rate borough rate district rates water rate or rent or any other rate or rent and they may in respect of such rates and rents prescribe a form of demand note receipt and other necessary documents in respect of such rates and rents and any forms so prescribed shall be sufficient in law.

Collection of  
rates by  
instalments.

**74.** The Corporation may collect any rate or rates due to them by instalments and the time limited by the Summary Jurisdiction Act for recovery of rates shall as regards any such instalment be deemed to run as from the date fixed for payment of any such instalment.

Amendment  
of section  
449 of Act  
of 1871.

**75.** From and after the passing of this Act section 449 of the Act of 1871 (Power to rate owner instead of occupier in cases described) shall as regards property of a net rateable value under seven pounds be read and have effect as if the words "nine-tenths thereof" were therein inserted in place of the words "four-fifths thereof" in sub-section (1) of the second part of the said section providing for the assessment of the owner of property upon a reduced estimate Provided that notwithstanding anything in the said sub-section contained it shall be lawful for the Corporation by agreement with the owner of any property of a net rateable value of seven pounds and upwards but not exceeding ten pounds



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to assess such owner upon such reduced estimate as the Corporation may deem reasonable of such net rateable value not being less than two-thirds nor more than nine-tenths thereof. A.D. 1898.

**76.**—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purpose of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875. Inquiries by  
Local  
Government  
Board.

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

**77.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or the House of Commons shall be paid by the Corporation out of the borough fund or general rate or out of moneys borrowed or to be borrowed under the provisions of the Order of 1897. Costs of Act.

The SCHEDULE referred to in the foregoing Act.

SCHEDULE.

STATEMENT OF LOANS UNDER THE PUBLIC HEALTH ACT 1875.

Date of Sanction.	Purpose.	Amount authorised to be raised.	Amount borrowed.	Debt extinguished by means of Sinking Fund.	Amount of Debt still owing.	Unexpired Periods for repayment.
1.	2.	3.	4.	5.	6.	7.
		£	£	£ s. d.	£ s. d.	Years.
30th Nov. 1888 -	Sewage disposal -	2,000	2,000	938 4 6	1,061 15 6	7
26th Feb. 1891 -	Do. -	12,000	12,000	690 16 0	11,309 4 0	44
Do. {	Do. -	18,000 {	7,000	950 17 0	6,049 3 0	24
Do. {	Do. -		11,000	1,227 12 6	9,772 7 6	25
4th Dec. 1891 -	Do. -	3,000	3,000	172 14 0	2,827 6 0	44
Do. {	Do. -	11,300 {	8,300	354 5 6	7,945 14 6	28
Do. {	Do. -		3,000	334 18 0	2,665 2 0	25
Do. -	Do. -	1,700	1,700	787 6 6	912 13 6	5
Do. {	Main sewers -	30,000 {	2,000	129 19 0	1,870 1 0	27
Do. {	Do. -		8,000	1,086 14 0	6,913 6 0	24
Do. {	Do. -		18,000	1,169 10 6	16,830 9 6	27
6th Sept. 1895 -	Surface water drains -	29,050	7,000	298 14 0	6,701 6 0	28
Do. -	Do. -	—	7,000	—	7,000 0 0	30
	Carried forward -	107,050	90,000	8,141 11 6	81,858 8 6	

Date of Sanction.	Purpose.	Amount authorised to be raised.	Amount borrowed.	Debt extinguished by means of Sinking Fund.	Amount of Debt still owing.	Unexpired Periods for repayment.
1.	2.	3. £	4. £	5. £ s. d.	6. £ s. d.	7. Years.
	Brought forward -	107,050	90,000	8,141 11 6	81,858 8 6	
20th Nov. 1891 -	Recreation grounds -	16,160	16,160	760 13 6	15,399 6 6	45
Do.	Do. - - -	10,340	5,840	850 10 0	4,989 10 0	20
Do.	Do. - - -		600	68 16 6	531 3 6	21
Do.	Do. - - -		3,900	330 13 0	3,569 7 0	22
31st August 1892	Do. - - -	2,100	2,100	77 18 6	2,022 1 6	46
Do.	Do. - - -	300	300	46 14 6	253 5 6	16
12th May 1896	Do. - - -	6,150	4,150	94 10 6	4,055 9 6	29
Do.	Do. - - -		2,000	—	2,000 0 0	30
24th May 1886	Daneshouse Store Yard -	8,000	6,000	1,052 0 6	4,947 19 6	22
Do.	Do. - - -		2,000	301 9 0	1,698 11 0	23
Do.	Yorkshire Street Depôt [-	1,600	1,600	363 14 0	1,236 6 0	20
Do.	Granite paving - - -	47,440	7,000	3,252 19 6	3,747 0 6	9
	Do. - - -	—	7,000	2,903 15 6	4,096 4 6	10
	Do. - - -	—	10,000	3,666 6 6	6,338 13 6	11
	Do. - - -	—	9,000	2,880 14 0	6,119 6 0	12
	Do. - - -	—	8,500	2,045 7 0	6,454 13 0	14
	Do. - - -	—	4,000	790 8 0	3,209 12 0	15
	Do. - - -	—	1,940	302 1 0	1,637 19 0	16
18th Oct. 1895 -	Refuse destructor -	12,000	6,000	185 9 6	5,814 10 6	23
		—	6,000	—	6,000 0 0	24
6th Sept. 1895 -	Coal Clough Lane and Sandy Gate Sewer.	2,000	2,000	85 7 0	1,914 13 0	28
18th August 1892	Electric lighting -	4,500	4,500	211 17 0	4,288 3 0	45
Do.	Do. - - -	19,000	10,000	1,456 6 0	8,543 14 0	20
	Carried forward -	236,640	210,590	29,869 2 6	180,720 17 6	

Date of Sanction.	Purpose.	Amount authorised to be raised.	Amount borrowed.	Debt extinguished by means of Sinking Fund.	Amount of Debt still owing.	Unexpired Periods for repayment
1.	2.	3.	4.	5.	6.	7.
		£	£	£ s. d.	£ s. d.	Years.
	Brought forward	236,640	210,590	29,869 2 6	180,720 17 6	
	Electric lighting	—	5,000	573 15 6	4,426 4 6	21
	Do.	—	3,000	} 339 3 0	3,660 17 0	22
	Do.	—	1,000			
18th Oct. 1895	Do.	5,500	3,000	167 1 6	2,832 18 6	23
	Do.	—	2,500	73 0 6	2,426 19 6	24
19th Oct. 1886	Street improvements	900	900	229 5 0	670 15 0	19
10th Sept. 1888	Do.	178	178	81 18 0	96 2 0	9
Do.	Do.	1,267	1,267	254 10 6	1,012 9 6	21
Do.	Do.	277	277	118 10 0	158 10 0	11
18th June 1889	Do.	2,260	1,850	127 17 6	1,722 2 6	42
	Do.	—	410	24 7 6	385 12 6	43
Do.	Do.	150	60	19 5 0	40 15 0	12
	Do.	—	90	24 14 6	65 5 6	13
30th Jan. 1891	Do.	215	215	29 6 0	185 14 0	24
Do.	Do.	1,000	1,000	240 13 0	759 7 0	14
5th Dec. 1892	Do.	1,386	1,386	65 6 6	1,320 13 6	45
Do.	Do.	314	314	62 2 0	251 18 0	15
Do.	Do.	500	500	231 9 6	268 10 6	5
19th Nov. 1895	Plumbe Street improvement.	2,300	2,300	41 8 0	2,258 12 0	48
Do.	Do.	700	700	52 17 6	647 2 6	18
2nd Feb. 1894	St. James' Street improvement.	10,000	10,000	371 1 6	9,628 18 6	46
Do.	Finsley Gate improvement	820	820	30 11 0	789 9 0	46
12th May 1896	St. James' Street improvement.	375	375	3 17 0	371 3 0	49
	Carried forward	264,782	247,732	33,031 3 0	214,700 17 0	

Date of Sanction.	Purpose.	Amount authorised to be raised.	Amount borrowed.	Debt extinguished by means of Sinking Fund.	Amount of Debt still owing.	Unexpired Periods for repayment.
1.	2.	3.	4.	5.	6.	7.
		£	£	£ s. d.	£ s. d.	Years.
	Brought forward -	264,782	247,732	83,031 3 0	214,700 17 0	
12th May 1896 -	Yorkshire Street Subway	2,000	2,000	45 11 0	1,954 9 0	29
18th July 1895 -	Scott Park Road -	1,000	1,000	86 13 6	913 6 6	16
19th Nov. 1895 -	St. James' Street improvement.	6,900	6,900	124 3 6	6,775 16 6	48
Do. -	Do. - -	500	500	37 15 0	462 5 0	18
13th May 1884 -	Daneshouse Bridge -	1,000	1,000	312 3 6	687 16 6	17
17th Feb. 1885 -	Finsley Gate Bridge -	2,500	2,500	1,290 16 0	1,209 4 0	8
24th May 1886 -	Raglan Road Bridge -	800	800	203 17 0	596 3 0	19
9th Feb. 1887 -	Junction Street Bridge -	1,000	1,000	175 7 6	824 12 6	22
30th June 1888 -	Plumbe Street Bridge -	600	600	105 5 0	494 15 0	22
19th March 1894	Trafalgar Street Bridge -	1,500	1,500	41 2 0	1,458 18 0	47
Do. -	Do. - -	1,500	1,500	97 10 6	1,402 9 6	27
19th Feb. 1894 -	Parker Lane Bridge -	450	450	29 5 6	420 14 6	27
19th March 1894	Manchester Road Bridge	450	450	29 5 6	420 14 6	27
29th March 1897	Curzon Street Railway Bridge.	1,000	1,000	—	1,000 0 0	30
		285,982	268,932	85,609 18 6	233,322 1 6	

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