CHAPTER clxxiii.

An Act to confer further powers upon the Corporation of the borough of Accrington for the improvement of that borough. A.D. 1882. [10th August 1882.]

WHEREAS by royal charter dated the 15th day of February 1878 the townships of Old and New Accrington in the county of Lancaster were constituted a municipal borough by the name of the borough of Accrington under the local government of the mayor aldermen and burgesses of the borough in this Act called "the Corporation":

And whereas it is expedient that the borough and the district of the Church Local Board in the county of Lancaster should be formed into a united district for outfall sewer purposes:

And whereas it is expedient that further provision should be made for the government of the borough as contained in this Act and that the Corporation should be enabled to construct streets and to carry out the several works by this Act authorised and for such purpose that powers should be granted to the Corporation for borrowing money and otherwise as herein-after mentioned:

And whereas estimates have been prepared by the Corporation for the execution of the several works aforesaid and such estimates are as follows (that is to say):

For the new streets and streets improvements ten thousand pounds;

For markets and slaughter-houses thirteen thousand pounds;

For town hall and municipal offices twelve thousand pounds;

For purchase and laying out of parks recreation grounds fifteen thousand pounds;

For stables depôts and railway sidings seven thousand pounds;

For baths and wash-houses ten thousand pounds;

For hospital for contagious diseases five thousand pounds;

For river improvements eight thousand pounds;

For general purposes twenty thousand pounds;

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38 & 39 Vict. c. 55.

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

And whereas an absolute majority of the whole number of the council at a meeting held on the seventeenth day of October eighteen hundred and eighty-one after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Accrington Times a newspaper published or circulating in the borough and in the portions of the county adjacent thereto (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund or rate:

And whereas such resolution was published twice in the Accrington Times a newspaper circulating as aforesaid 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 sixteenth day of January eighteen hundred and eighty-two being not less than fourteen days after the deposit of the Bill for this Act in the offices of the Houses of Parliament:

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county palatine of Lancaster and are herein-after respectively referred to as the deposited plans sections and books 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:—

PART I.

Preliminary.

1. This Act may be cited for all purposes as the Accrington Improvement Act 1882. Short title.

2. This Act except as herein otherwise provided shall take effect on its passing. Commencement of Act.

3. The Lands Clauses Consolidation Acts 1845 1860 and 1869 (in this Act referred to as "the Lands Clauses Acts") and the Markets and Fairs Clauses Act 1847 (in this Act respectively referred to as "the incorporated Acts") are hereby incorporated with and shall form part of this Act. Incorporation of Acts.

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
10 & 11 Vict. c. 14.

4. The words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings in this Act unless there be something in the subject or context repugnant to or inconsistent with such construction and in this Act the following words and expressions have the meanings hereby assigned to them:— Interpretation of terms.

"The borough" and "the sanitary district" mean respectively the borough and urban sanitary district of Accrington;

"The Corporation" means the mayor aldermen and burgesses of the borough;

"Infectious disease" means and includes small-pox cholera typhus typhoid scarlet relapsing continued and puerperal fever scarlatina and diphtheria and such other disease as the Corporation under the provisions and for the purposes of this Act may from time to time declare to be infectious;

"Food" includes every article other than water used for food or drink by man;

The words "the council" "the town clerk" "the treasurer" "the surveyor" "the inspector of nuisances" mean respectively the council the town clerk the treasurer the surveyor and the inspector of nuisances of the borough and the sanitary district;

"The borough fund" and "the borough rate" mean respectively the borough fund and the borough rate of the borough;

"The district fund" and "the general district rates" (unless the contrary be expressly stated) mean respectively the general district fund and general district rates for the borough;

"The local board" means the local board for the district of Church in the county palatine of Lancaster;

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"The Municipal Corporation Acts" means the Act of the session of the 5th and 6th years of King William the Fourth chapter 76 intituled "An Act to provide for the regulation of municipal corporations in England and Wales" and all Acts for the time being in force amending the same or otherwise relating to municipal corporations in England and Wales;

"The Public Health Acts" means the Public Health Act 1875 and all Acts for the time being in force amending or extending the same;

"The railway" means the Lancashire and Yorkshire Railway;

"The railway company" means the Lancashire and Yorkshire Railway Company;

The expressions "parish" "person" "lands" "premises" "owner" "streets" "drains" "sewers" and "slaughter-houses" have in this Act the meanings assigned to them respectively in the Public Health Act 1875 unless otherwise expressed;

The word "cattle" includes horse ass mule bull ox cow calf ram ewe wether lamb goat kid and swine;

The word "street" includes any highway road public bridge (not being a county bridge) lane footway square court alley passage and whether made before or after the passing of this Act;

The word "company" "promoters" "undertakers" "commissioners" or any like expression in any of the incorporated Acts means the Corporation.

Provided that in the incorporated Acts and in this Act the expression "court of competent jurisdiction" means such a court as would have jurisdiction if the debt or demand with respect to which that expression is used were a common simple contract debt and not a debt or demand created by statute.

Act to be executed by council.

5. This Act shall be carried into execution by the Corporation acting by the council and according to the Municipal Corporation Acts Public Health Acts and other laws for the time being affecting the Corporation as a municipal body and a sanitary authority respectively and with all the rights powers privileges and authorities and subject to all the obligations and liabilities conferred or imposed by those Acts and laws on the Corporation and on the council and committees of the council and the officers agents and servants of the Corporation with respect to matters provided for by or comprised in the Municipal Corporation Acts and Public Health Acts and other Acts and as nearly as may be in all respects as if the powers duties and property vested in imposed on or enjoyed by the Corporation by

or under this Act were vested in imposed on or enjoyed by them by or under the Municipal Corporation Acts Public Health Acts and other Acts respectively. A.D. 1882.

PART II.

Outfall Sewer for Accrington and Church.

As to formation of Accrington and Church into united district for outfall sewer purposes.

6. The Corporation and the local board shall concur in making forthwith a joint application to the Local Government Board under the provisions of the Public Health Acts for the formation of the borough and the district of the local board into united district to be subject to the jurisdiction of a joint board in order to carry into effect a system of outfall sewerage for the use of the united district and such outfall sewer shall terminate and the sewerage shall be treated and disposed of at one or the other of two sites belonging or reputed to belong to Henry Petre being the owner or reputed owner as tenant for life of the same (subject to the now existing tenancies) namely at Coppy Clough within the district of the local board or at a point lower down the River Hyndburn and situate within the townships of Rishton and Clayton-le-Moors and known as the Holt Mill Valley such two sites being respectively shown upon the plan signed by the Right Honourable George Sclater-Booth the chairman of the committee to whom the Bill for this Act was referred and deposited in the Private Bill Office of the House of Commons Provided always that the question which is the better of the two sites above referred to for the treatment and disposition of the sewage of the united district shall be left to be decided by the Local Government Board after the usual local and public inquiry before an inspector of such Board at which inquiry the Corporation the local board and the said owner shall respectively be at liberty to attend and give evidence in favour of one or other of the said sites. The Corporation the local board and the said owner respectively shall not nor shall any of them be at liberty to oppose the confirmation in Parliament of the Provisional Order embodying the result of such decision and constituting the united district for the purposes aforesaid provided always that in construing for the purposes of this section the Lands Clauses Consolidation Acts as incorporated with this Act the special Act shall be construed to mean this Act and the Act confirming the aforesaid Provisional Order and the promoters of the undertaking shall be construed to mean such joint board as aforesaid and land shall be construed to mean any right over land provided also that the compensation to be paid to Mr. Petre or other the owner in

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respect of the selected site shall be assessed upon the basis of a compulsory taking of the said site under the powers of the Lands Clauses Consolidation Acts and that nothing in this Act contained shall extend to enable the joint board to compulsorily purchase any mines of coal iron ore slate or other minerals under any land included in the site to be selected as aforesaid and all such mines and minerals shall be deemed to be excepted out of the conveyance (if any) of such lands.

PART III.

Lands, &c.

Power to take and appropriate lands.

7. Subject to the provisions of this Act the Corporation may for the purposes of the works herein-after described from time to time enter upon take and use all or any of the lands delineated on the deposited plans and described in the book of reference and may appropriate and use for the purposes of this Act any lands from time to time vested in them and being part of their corporate estates or vested in them as a sanitary authority.

Time for compulsory purchase of lands limited.

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

Power to take additional lands by agreement.

9. The Corporation may from time to time for the purposes of night soil depôts destructors store yards stables and sheds and for any purposes of this Act for which provision is not otherwise made by agreement acquire in fee either by purchase or by way of exchange or otherwise any lands not exceeding ten acres in addition to lands which they are authorised to take by compulsion or any easement right or privilege therein thereunder thereover or thereupon which may be deemed necessary by the Corporation.

Consideration for such acquisition.

10. The consideration for any such acquisition may be either in money land or works or any yearly sum or rentcharge or other rent or a mixed consideration of money land and works and on any exchange the Corporation may give or take any money for equality of exchange.

Power to take easements &c. by agreement.

11. Persons by the Lands Clauses Consolidation Act 1845 empowered to sell and convey or release lands may if they think fit subject to the several provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Corporation any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with

respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. A.D. 1882.

Errors and omissions in plans to be corrected.

12. If any omission mis-statement or erroneous description shall have been made of any lands required for the purposes of this Act or of the owners lessees or occupiers of any such lands in the deposited plans or books of reference the Corporation may after giving ten days notice to the owners lessees and occupiers of the lands affected by such proposed correction apply to two justices for the correction thereof and if it shall appear to such justices that such omission mis-statement or erroneous description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been mis-stated or erroneously described and such certificate shall be deposited with the clerk of the peace for the county in which such lands shall be situated and such certificate shall be kept by such clerk of the peace along with the other documents to which it relates and thereupon the deposited plans or books of reference shall be deemed to be corrected according to such certificate and the Corporation may take any lands or property required by them in accordance with such certificate.

Power to retain or sell lands &c.

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

Reservation of water rights &c.

14. On any sale of lands by the Corporation they may reserve to themselves all or any part of the water rights or other easements belonging thereto and may also make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit.

Application of purchase money of land.

15. Any purchase money received on any sale of land or for equality of exchange and any money received as a fine on the granting of any lease by the Corporation shall be distinguished as

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capital in the accounts of the Corporation and shall be applied exclusively in discharge of borrowed moneys and any money so discharged shall not be re-borrowed.

Power to accept and apply gifts of lands for charitable and public purposes.

16. The Corporation may from time to time accept gifts of land made to them for purposes of parks hospitals infirmaries schools or other public useful or charitable objects for the benefit of the inhabitants of the borough and its neighbourhood and may execute the trusts and purposes declared by the donors or otherwise attaching to any such gifts and do all things necessary or proper for that purpose.

PART IV.

New Streets, &c.

Power to make new streets.

17. The Corporation may upon lands in their possession or which may be acquired by agreement for that purpose from time to time lay out make and maintain in the lines and according to the levels shown on the deposited plans and sections the new streets following (that is to say)—

(1) A new street ninety-two yards in length or thereabouts and to be called "Corporation Street" commencing in Willows Lane in the borough at a point coincident with the commencement of the footpath to be stopped up as herein-after mentioned and terminating by a junction with the new street (No. 2) next herein-after described;

(2) A new street sixty-eight yards in length or thereabouts to be called "Crossland Street" commencing by a junction with the aforesaid street (No. 1) and terminating at or near a level crossing over the railway one hundred and thirty-six yards or thereabouts from the bridge known as Willows Lane Bridge;

with all approaches walls abutments drains sewers pipes and other conveniences necessary or proper in connexion with the said new streets.

Time for completion.

18. If the new streets are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Agreements with adjoining landowners.

19. It shall be lawful for the Corporation in connexion with the formation of the said new streets and for the purposes thereof to enter into make and give effect to agreements or arrangements with the owners of any lands required for the purpose or with the

owners of any adjoining lands in case the same shall be found expedient. A.D. 1882.

Power to stop up footpath at Willows Lane.

20. When and so soon as the Corporation have constructed completed and opened for traffic the new streets herein-before authorised and known as Corporation Street and Crossland Street respectively they may stop up the public footpath shown on the deposited plans and described in the deposited book of reference (that is to say) a footpath on the Brick House Estate of the Corporation in the borough of Accrington parish of Whalley and county palatine of Lancaster extending from a point in Willows Lane seventy-five yards south from the bridge carrying the railway over Willows Lane and thence diagonally across land belonging to the Corporation to the line passing over the railway one hundred and thirty-six yards east of Willows Lane Bridge aforesaid and from and after such stopping up as aforesaid all rights of way or passage over or along the said footpath shall be by virtue of this Act extinguished and the site and soil thereof shall be vested in the Corporation.

Damage to buildings to be compensated for.

21. Where by reason of the construction of the new streets by this Act authorised or by the alteration of the level of any other street consequential thereon any house building or premises (if any) is or are proved to be damaged or otherwise injuriously affected the Corporation may out of the moneys applicable under this Act to new streets make good the damage done and pay to the owner and occupier of the house building or premises such compensation as shall be agreed on between the owner and occupier and the Corporation or failing their agreement such compensation as shall be ascertained by arbitration under the provisions of the Public Health Acts.

PART V.

Streets and Buildings.

Exemption for railway and canal company.

22. The provisions contained in this part of this Act or any byelaw to be made thereunder shall not extend or apply to or in relation to any railway or canal or to any land or building other than a dwelling-house (except so far as they respectively relate to the drains and other sanitary details of any building) belonging to or used or intended to be used by any railway or canal company for the purposes of their business.

Crossings for horses or vehicles over footways.

23. Every person desirous of forming a communication for horses or vehicles across any footpath so as to afford access to any premises from a street shall first submit to the Corporation a plan of the

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proposed communication showing where it is to cut the footpath and what provision (if any) is made for kerbing and for a paved crossing and the dimensions and gradients of the necessary works and such person after having obtained the sanction of the Corporation shall carry out the works at his own expense under the supervision and to the satisfaction of the surveyor and not otherwise and if any person shall drive or permit or cause to be driven any horse or vehicle across any footway unless and until the same has had such communication as aforesaid made and approved by the Corporation he shall be liable to a penalty not exceeding forty shillings.

Height of rooms.

24. In any new building to be erected every room intended to be used as a dwelling or sleeping room except rooms partly or entirely in the roof shall be in every part thereof nine feet in height at least from the floor to the ceiling and every habitable room partly or entirely in the roof of any such building shall be at the least seven feet six inches in height from the floor to the ceiling throughout not less than one half the area of such room.

Means of ingress and egress in public buildings.

25. Every building permanent or otherwise which is used or intended to be used as an hotel refreshment rooms church chapel school theatre or other place of public amusement or entertainment or for holding a large number of persons for any purpose shall be provided with ample and convenient means of ingress and egress regard being had to the purposes for which such building is intended to be used and the number of persons likely to be assembled at the same time therein. If the owner or occupier or person in charge of any such building after the expiration of three months from the receipt of a notice from the surveyor to the effect that the Corporation are not satisfied with the sufficiency of the means of ingress and egress provided for such building and specifying the alterations or additions which the Corporation think necessary shall allow such building to be used for any such purpose as aforesaid without having first complied with the terms of the notice he shall for every such offence be liable to a penalty not exceeding fifty pounds.

Rooms over privy &c.

26. No room built before or after the passing of this Act any portion of which extends immediately over any privy (not being a watercloset) cesspool midden or ashpit shall be occupied as a dwelling or sleeping room or as a workshop or place of habitual employment of any person in any manufacture trade or business during any portion of the day or night and if any person shall after the expiration of one month after the passing of this Act occupy or suffer to be occupied as a dwelling or sleeping room any such room

every person so offending shall for every such offence be liable to a penalty not exceeding twenty shillings for every day during which such room continues to be so let or occupied after notice in writing from the Corporation to discontinue such letting or occupation.

Provisions as to filling up cesspools &c.

27. If it appears to the Corporation by the report of their surveyor or inspector of nuisances or medical officer of health that any cesspool used at or at any time after the commencement of this Act as a receptacle for excreta or fæces or for the whole or any part of the drainage of any house or part of a house within the borough or any ashpit belonging to any such house or part of a house is prejudicial to health or is inconveniently situated or is ill-constructed or is not watertight or that for other sanitary reasons it is desirable that the same shall be filled up or removed the Corporation may if they think fit by written notice require the owner or occupier of such house or part of a house within a reasonable time to be specified in such notice to cause such cesspool or ashpit to be filled up or removed and any drain communicating with such cesspool to be effectually disconnected destroyed and taken away and in cases where it appears by such report that any cesspool or ashpit is used in common by the occupiers of two or more houses or parts of houses such notice for the filling up or removal of such common cesspool or ashpit shall be served on all of the owners or occupiers respectively who have the right to use the same cesspool or ashpit.

Other accommodation to be provided.

28. If by reason of the filling up or removal of any cesspool or the removal of any ashpit under the foregoing enactment any house or part of a house within the borough would cease to be provided with sufficient watercloset or privy accommodation or with a proper ashpit or ashplace the Corporation may by the same or another similar notice require the owner or occupier of such house or part of a house within a reasonable time therein specified to provide sufficient watercloset or privy accommodation and proper ashpit or ashplace or either of them as the case may require If any such notice as is mentioned in this and the preceding section is not complied with or is not fully complied with the Corporation may at the expiration of the time specified in the notice do any work thereby required to be done which has not been done by the owner or occupier and may recover in a summary manner from the owner or if there be more than one owner from owners in such shares and proportions as shall be apportioned and determined by the surveyor the expenses incurred by the Corporation in so doing or may by order declare the same to be private improvement expenses when the same shall be a charge upon the premises in respect of which

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the work has been done and may be recovered from the owner or owners for the time being of the said premises as and when any instalment of such expenses shall become due and payable under such order together with interest on the amount for the time being remaining due and owing and not exceeding five pounds per centum per annum All the provisions of this Act with respect to private improvement expenses shall apply to such expenses as are mentioned in this section.

Summary power for providing sinks and drains for dwelling-houses.

29. In addition to all other powers vested in the Corporation the Corporation or any committee of the council may if the surveyor shall report in writing to the Corporation or to any such committee that any dwelling-house is not provided with a proper sink or drain or other necessary appliances for carrying off refuse water from such dwelling-house by notice under the hand of the mayor or town clerk for the time being require the owner of such dwelling-house in the manner and within the time to be specified in such notice to provide such sink drain or other appliances If any such owner shall neglect to comply with such notice within the time therein appointed he shall be liable for every such offence to a penalty not exceeding five pounds and a further penalty of the like sum for every day during which such offence shall continue.

Privies &c. to be subject to approval of Corporation.

30. The Corporation shall from time to time with the consent of the Local Government Board have the power to decide upon the adoption of an uniform system for the construction of all privies and ashplaces within or throughout the borough provided that where the Corporation under this section require the alteration or removal of any privy or ashplace which they have previously approved or which has been constructed on any system approved by them all the expenses of such alteration or removal shall be paid by the Corporation.

Pipes from slopstones &c. to be connected with sewers.

31. Every pipe from any slopstone in a building and any other pipe for carrying off rainwater and waste water from such building whether erected before or after the passing of this Act shall be carried through the external wall of such building and shall be constructed so as to discharge in the open air outside such building over a channel leading into a drain or sewer and every opening of such drain or sewer shall be trapped in a manner to be approved by the Corporation and every person who offends against this enactment shall for every such offence be liable to a penalty not exceeding twenty shillings and to a further penalty not exceeding ten shillings for every day during which the offence continues Provided always that with respect to a building erected before the

passing of this Act the above penalties shall not be enforced unless default has been made for fourteen days in complying with a notice from the Corporation requiring the owner or occupier of such building to comply with the provisions of this section.

Prevention of nuisances.

32. If any middenstead ashpit privy or watercloset within the borough used in common by the inmates of any premises used as a separate dwelling and also by any other persons or the approaches to or the walls floors seats or fittings of any middenstead ashpit privy or watercloset or any of them is or are in the opinion of the Corporation or of their surveyor or medical officer of health in such a state or condition as to be a nuisance or annoyance to any inhabitant of the borough for want of the proper cleansing thereof the persons having the use thereof in common as aforesaid shall severally be liable to pay a penalty not exceeding ten shillings each and a further penalty not exceeding five shillings for every day during which the same shall remain in such state or condition.

Chemical refuse and other injurious matters not to pass into the sewers.

33. It shall not be lawful for any person to throw or to permit or suffer to be thrown or to pass into any of the sewers of the Corporation any refuse matter from chemical works or other substance which would be injurious to the construction of the sewers or produce corrosion or decay in the materials thereof or generate poisonous or pernicious gases and every person offending against this enactment shall for every such offence forfeit and pay a sum not exceeding fifty pounds to be recoverable by the Corporation with full costs of suit in any court of competent jurisdiction.

Notice of completion of works and buildings.

34. After any new building has been completed and before the same is used or occupied the owner shall give notice thereof to the surveyor who shall proceed to survey such building and report thereon to the Corporation.

Penalty on workmen doing wilful damage.

35. If any workman labourer servant or other person employed in or about any new works within the borough wilfully and without the privity or consent of the owner or person causing such work to be done does anything in or about such works contrary to the provisions herein contained he shall for each offence incur a penalty not exceeding twenty shillings.

Buildings described as lock-up shops not to be used as dwellings.

36. Where in the plan of a building submitted to and approved by the Corporation such building is described as a lock-up shop workshop shed or place of business the use of such building or any part thereof for the purposes of habitation by any person other than the person placed therein to take care thereof shall be an offence against this Act and shall be deemed to be committed on the day when such user is made known to the Corporation Every person so

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using such building or permitting the same to be used shall for every such offence be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day during which such offence continues.

Certificate of fitness for habitation.

37. No new building shall be occupied as a dwelling-house until the drainage thereof has been made and completed nor until such building has after examination been certified in writing by the surveyor inspector of nuisances medical officer of health or by a person appointed by the Corporation in that behalf to be fit for human habitation but if the surveyor inspector of nuisances medical officer of health or such person as aforesaid shall for seven days after notice in writing to him given neglect or fail to make such examination such building may be so occupied.

Except as herein-before otherwise provided any person who shall as owner let or who shall as tenant wilfully and with notice of this provision occupy any new house or part of any new house before the same is certified or after the surveyor's certificate has been refused shall be liable for so doing to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day during which such office continues.

Value of existing sewers and streets to be allowed for.

38. In ascertaining the proportion to be paid by any owner of the expenses of freeing from obstruction sewering draining levelling paving or macadamizing any street or any parts thereof or in doing any of such works in accordance with the other provisions of this Act the value and efficiency of any such work theretofore done by such owner or by any preceding owner shall be taken into consideration and the Corporation may make all such allowance as they think fit to any such owner.

Recovery of damages caused to footways by excavations.

39. If the footway of any street belonging to or under the management of the Corporation be injured by or in consequence of any excavations on lands adjoining to such footway the Corporation may repair or replace the footway injured and all damages and expenses of or arising from such injury and repair or replacement shall be paid to the Corporation by the owner of the lands on which such excavation has been made and may be recovered by the Corporation as street expenses are recoverable under the Public Health Acts or this Act.

Deposit of building materials &c.

40. When any person lays any building materials rubbish or other things in any street he shall deposit the same at such place or places only as the surveyor shall approve and any person offending against this enactment shall be liable to a penalty not exceeding

five pounds and to a further penalty not exceeding forty shillings for every day during which such offence shall continue. A.D. 1882

Inspection of works by surveyor.

41. The surveyor shall inspect any works or buildings in progress of construction at any reasonable time that he may think fit or that he may be required to do so by the Corporation but the person laying out the work or the building shall give three days notice in writing to the surveyor before the commencement of such work and before any foundations of new buildings or any sewers or drains are covered up and the like notice shall be given after the works have been completed which may have been required by the surveyor to be done in amendment of any irregularity and before such works shall be covered up.

Notice by surveyor of irregularity.

42. If in doing any work or forming any street or erecting or altering any building anything is done contrary to the provisions herein-before contained or anything required by those provisions is omitted to be done or if the surveyor in surveying or inspecting any building or work find that the same is so far advanced that he cannot ascertain whether anything has been done contrary to such provisions or whether anything required by such provisions be omitted to be done the surveyor may within twenty-four hours after such survey or inspection give to the builder or person engaged in doing such work forming such street or erecting or altering such building notice in writing requiring such builder or person within forty-eight hours from the date of such notice to cause anything done contrary to the provisions herein-before contained or any of them to be amended or to do anything required to be done by any such provisions but which has been omitted to be done or to cause so much of any work street or building as prevents the surveyor from ascertaining whether anything has been done or omitted to be done as aforesaid to be to a sufficient extent cut into laid open or pulled down.

Provided that if any such work shall be so cut into as aforesaid and the same shall thereupon be found to be constructed in conformity with such provisions the cost and expenses of so cutting into and of repairing the damage thereby incurred shall be paid by the Corporation but if such work shall be found not so in conformity all such costs and expenses shall be paid by the owner or builder and may be sued for and recovered by the Corporation from such owner or builder as they may elect in like manner as penalties under this Act may be sued for and recovered.

Foundations of new buildings.

43. Where any new house shall be erected upon land on which no dwelling-house shall have been previously erected or upon land

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theretofore used either as garden ground or as a yard or upon maiden soil then and in each of such cases the soil must be excavated and removed to the depth of fifteen inches at the least from the floor line and if required by the Corporation or the surveyor a layer of concrete clinkers or other proper hard materials of the thickness prescribed by the Corporation or the surveyor shall be spread thereon and well rammed before the floor is laid and every house which after the passing of this Act is pulled down to or below the ground floor and rebuilt shall have a course of blue bricks lead slate or other impervious material for a damp course laid immediately above the ground line in each external wall.

Opening of ill-ventilated courts.

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

Cellars &c. not to be made under or steps &c. project into streets.

45. After the commencement of this Act it shall not be lawful for any person without the consent of the Corporation first obtained in writing to make or alter any cellar arch vault oven or underground passage or other work under any street or court or to make or alter any cellar and vault oven or underground passage or other work under any street or court or to make any cellar oven cellar steps or other steps in any street or court and every such cellar work or thing for the time being lawfully existing shall be kept in proper repair by the owner or occupier thereof and if any person offends against any of the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding two pounds for every day during which such offence continues after notice thereof served on him by the Corporation and in the case of a work under a street or court whether such a penalty has been recovered or not the Corporation may demolish or fill up the same and the site thereof and make good the street or court and the expenses incurred thereby shall be paid by the offender but nothing herein contained shall prevent the making of any cellar arch vault oven or underground passage under the foot pavement of any street or court provided the same be constructed or maintained in a secure and substantial manner and to the satisfaction of the borough surveyor.

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Cellar openings to be covered or secured.

46. The owner of any building shall cause the areas of the same fronting any street or court to be well and sufficiently guarded by a railing or parapet or dwarf wall and when any opening in any pavement or footpath or other entrance into any vault or cellar for the time being lawfully exists a door or covering shall be made by the owner of such vault or cellar of iron or other proper materials and such railing door or covering shall be kept in good repair and closed and secured by such owner (but so that nothing in this section shall vary any provision in a lease as between the owner and the occupier) and if any such owner or occupier fails to comply in any respect with the requirements of the present section he shall be liable to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding forty shillings for every day during which such offence continues after the expiration of a time to be determined in that behalf by the justice before whom he is convicted.

Corporation may exercise discretionary power in certain cases.

47. Provided always that where upon the erection or re-erection of any buildings within the borough the several dimensions particulars or works required by this Act cannot in all respects be attained without considerable sacrifice of property the Corporation may if they think fit modify the conditions and requirements of this Act if and when satisfied that the objects and purposes of the said several provisions of this Act on ensuring thorough ventilation drainage and the fulfilment generally of sanitary requirements can and will be effectually attained in some other way.

Power to make byelaws with respect to buildings.

48. Subject to the provisions of this Act the Corporation may from time to time make byelaws for all or any of the following purposes (that is to say):

With respect to the removal from the sites of buildings before beginning the foundations thereof of offensive or unwholesome waste or refuse and of soil that has been rendered offensive or unwholesome by the deposit thereon of such waste or refuse or of fœcal matters:

With respect to the thickness and construction of walls of all ovens and furnaces built or wholly or partially built after the passing of this Act:

And they may further provide for the observance of such byelaws by inserting therein the provisions contained in section 157 of the Public Health Act 1875 as to giving of notices and otherwise or such one or more of those provisions as are applicable thereto.

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PART VI.

Private Street Improvements.

Expenses due from owners to be a charge on premises.

49. Where the Corporation have under the powers of this Act incurred private improvement expenses for the repayment whereof the owner of the lands houses or other property for or in respect of which the same are incurred is liable the same may be recovered in a summary manner from the person who is owner of such lands houses or other property when the works are completed for which such expenses have been incurred in the manner provided by this Act and such expenses may by resolution of the council be declared to be and thereupon shall be a charge on the lands houses or other property in respect of which they were incurred in priority to any other charge created subsequently to the day of the commencement of the works on account of which such expenses are incurred and shall bear interest at the rate of five pounds per centum per annum till payment thereof and in all summary proceedings by the Corporation for the recovery of expenses incurred by them in works of private improvement the time within which such proceedings may be taken shall be reckoned from the date of the service of notice of demand.

Successive owners to continue liable.

50. Successive owners of the lands houses or other property for or in respect of which any such expenses as are referred to in the last preceding section have been incurred shall be liable to the Corporation for the payment of the same or such part thereof as may for the time being remain unpaid until the same with interest thereon as herein-after mentioned shall have been fully paid and satisfied and such expenses or such part thereof as may for the time being remain unpaid shall constitute a debt due from each successive owner to the Corporation recoverable from him in a summary manner within six calendar months of his succession and after that period may be recovered by the Corporation from the owner for the time being of the lands houses or other property by action at law in any court of competent jurisdiction to entertain an action for recovery of the amount of such debt.

Surveyors apportionment of expenses payable by owners to be conclusive after one month.

51. In all cases where the Corporation have incurred private improvement expenses for the repayment whereof the owner or occupier of the lands houses or other property for or in respect of which the same are incurred is liable and such expenses have been settled or apportioned by the surveyor as payable by such owner or occupier such settlement and apportionment shall be binding and conclusive upon such owner or occupier unless within the expiration of one calendar month from the time of written notice being given

by the Corporation or their surveyor of the amount of such settlement or apportionment together with notice of the provisions of this section he shall by written notice object to such settlement or apportionment and state the particulars and grounds of his objection and thereupon such respective amounts shall be settled or apportioned by the justices or court before whom the same expenses are recoverable.

Interest on such expenses.

52. Notwithstanding any such objection as in the last preceding section mentioned the expenses therein referred to shall if not paid within one month after demand thereof by the Corporation bear interest from the expiration of such month after the rate of five per centum per annum and such interest shall be recoverable by the Corporation with the same expenses but subject to the discretion of the justices or court before whom they are recoverable.

Power to enter into possession where owner fails to pay his proportion of new street or other expenses.

53. If the owner of any building or lands liable to any such expenses fails for the space of six months after the same become recoverable from him to pay the same fully with all interest thereon or if any such owner is or becomes bankrupt or is after diligent inquiry unknown to the Corporation or cannot be found by them then and in every such case and as often as the same happens the Corporation (by way of additional remedy and whether any action or suit or other proceeding to recover such expenses charges or other moneys has been brought by them or not) may on or at any time and from time to time after the expiration of one month from service of a notice to such owner of their intention to put in force the powers of the present section proceed as follows namely:

(1) The Corporation may enter into receipt of and demand and receive from tenants and occupiers and persons liable the rents and profits of such building or lands and in case of nonpayment may use all or any of such lawful remedies by way of ejectment for nonpayment of rent distress or otherwise for recovering and obtaining payment of the same or any part thereof as may be used by landlords in ordinary cases and may do all things necessary or expedient for recovering and receiving the rents and profits as if they were the owners of the building or lands and the tenants occupiers and persons liable shall pay the rents and profits to the Corporation and the receipt of the cashier or of any officer of the Corporation appointed in that behalf shall be and shall alone be an effectual discharge for the same Provided that in cases where any owner is also the occupier of such lands and buildings the sum payable by him as rent to the Corporation under this section shall be calculated on the gross annual value at which such lands and buildings

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are assessed to the relief of the poor at the time of such entry by the Corporation.

(2) Where any such building or lands is or are unoccupied or unproductive at the time when the Corporation would be entitled under this Act to enter into the receipt of the rents and profits thereof (if any) or at any time afterwards while the claim of the Corporation is unsatisfied then and in every such case and as often as the same happens the Corporation may enter into possession of the building or lands and may occupy and use the same or any part thereof.

(3) The Corporation may from time let from year to year or for any shorter period any such unoccupied or unproductive building or lands or any part thereof and receive the rents and profits thereof as if they were the owners thereof.

Application of rents and profits received.

54. All rents and profits received in respect of any such building or lands as aforesaid shall be applied in the manner and in the order following namely:

I. There shall be paid thereout—

(*a*) Any chief or ground rent payable in respect of the building or lands;

(*b*) All taxes rates assessments expenses of repairs and other outgoings properly payable by the owner in respect of the building or lands;

(*c*) All costs and charges incurred by the Corporation in relation thereto by reason or in consequence of the failure of the owner thereof to pay any such expenses.

II. There shall be retained on behalf of the Corporation the amount which the owner is at the time of the commencement of such receipt by the Corporation liable to pay on account of such expenses and interest in respect of the same or any other building or lands in the same or any other street;

III. The surplus (if any) shall be paid to the owner his representatives or assigns.

Power to apply general district fund in executing works for private owners.

55. Whenever the Corporation are by this Act or any byelaw for the time being in force within the borough authorised to execute re-execute or alter any work act or thing in default of the owner occupier or other person required to do the same and whenever the Corporation execute any works upon the application of or by agreement with the owner of the lands houses or other property for or in respect of which the same are to be executed the Corporation may apply the district fund in or towards the executing re-executing or altering of such work act or thing but this section shall not affect

the liability of any such owner occupier or other person to repay the moneys expended by the Corporation.

Penalty on occupiers refusing execution of Act.

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

Saving for special contracts between landlords and tenants.

57. Nothing in this Act shall alter the liabilities respecting the payment of any rates or expenses made payable and recoverable by this Act or any byelaw for the time being in force within the borough of any owner and occupier as between themselves under any special contract relative thereto.

Powers of Act to be in aid of Public Health Acts.

58. The powers conferred upon the Corporation by this part of this Act shall be in aid and not in derogation of the powers conferred upon them by the Public Health Acts.

PART VII.

Store Yard Sidings &c.

Store yard or depôt.

59. The Corporation may lay out all or any lands vested in them and situate at or near Willows Lane as a store yard or depôt for stone and other materials and may erect and construct thereon stables weighing machines tool houses and other buildings and works for the convenient use of such store yard or depôt and (subject to agreement as herein-after mentioned) may provide and use railway sidings in connexion therewith.

Agreements with Lancashire and Yorkshire Railway Company as to sidings for store yard.

60. The Corporation and the railway company may from time to time make and enter into agreements with respect to the construction maintenance and user upon lands belonging to the Corporation and the railway company respectively or to both or either of them as the case may be of railway sidings leading to and from the said store yard and in connexion therewith as to any

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alterations by the railway company of the railway of the company at or near Willows Lane aforesaid which may be necessary or desirable in relation to the construction and the safe and convenient working of such sidings as aforesaid.

Subway.

61. The Corporation and the railway company and any landowner or landowners may make and enter into agreements for or with respect to the construction and future maintenance (in lieu of the present level crossing of the railway at or near the extremity of the footpath leading from Willows Lane or of the new street to be substituted for such footpath as aforesaid) of a suitable and convenient passage under the said railway with the immediate approaches thereto leading to the northerly side of the said railway.

PART VIII.

River Hyndburn.

Power to alter course of River Hyndburn with consent.

62. The Corporation may with the consent of the owners of lands abutting on that part of the beck or watercourse called the River Hyndburn and its affluents which lies within the borough and either with or without making compensation to such owners as may be agreed and to the extent of such lands within the borough make such diversions and alterations in the course of the said river and its affluents as the Corporation may think fit.

Agreements as to weirs &c.

63. For the improvement of the channel or course of the said river and in connexion therewith the Corporation may make and enter into agreements with millowners and others for the purchase and extinction of private rights (if any) belonging to such millowners or other persons in any weir or other works existing at the commencement of this Act and situate in upon or near the bed and banks of the said river and for the removal of such weir or works.

For protection of the Accrington Gas and Water Works Company,

64. For the protection of the Accrington Gas and Water Works Company (in this section called "the Company") the following provisions shall have effect (that is to say):—

(1.) Notwithstanding anything contained in this Act to the contrary the Corporation shall make full compensation to the Company for all damage which may be caused to the gasworks of the Company abutting on and extending over the River Hyndburn and for all loss and injury which may be sustained by the Company by reason or in respect of the exercise and carrying out by the Corporation of any of the works acts or powers in reference to the said river or its affluents conferred upon them by this Act.

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(2.) In carrying out any work or doing any act or thing authorised by this Act the Corporation shall not (except with the consent of the Company such consent to be signified under their common seal) remove alter or in any way interfere with or injure any arch or other work of the Company which is in existence at the time of the passing of this Act abutting upon or extending over the River Hyndburn.

(3.) If and whenever any damages or other sums payable under this section by the Corporation to the Company are not paid within one month after demand thereof in writing made on the town clerk of the Corporation the same may together with full costs of suit be recovered by the Company from the Corporation in any court of competent jurisdiction.

(4.) All the questions which may at any time arise between the Corporation and the Company as to the construction or effect of this section or the performance observance non-performance or non-observance of any of the provisions thereof or any matters connected therewith or consequent thereon including all questions of compensation shall in the event of difference be determined by an arbitrator to be appointed by the Corporation and the Company or if for fourteen days after notice from either of the parties they do not agree upon an arbitrator then by some person to be named by the Board of Trade upon the application in writing of either of the parties in difference and the decision of every arbitrator shall be binding and conclusive upon both the parties in difference and the costs of the arbitration shall be in his discretion.

(5.) Except as is by this Act otherwise expressly provided nothing in this Act contained shall take away lessen prejudice alter affect or defeat any of the rights privileges or powers which belong to or are vested in the Company under or by virtue of the Accrington Gas and Water Works Acts 1841 1854 1863 and 1869 or any Act or Acts incorporated therewith. 4 & 5 Vict. c. xxvii. 17 & 18 Vict. c. lxxxvii. 26 & 27 Vict. c. xxxvi. 32 & 33 Vict. c. liv.

For the protection of the justices of the peace for the county of Lancaster.

65. For the protection of the justices of the peace for the county palatine of, Lancaster the following provisions shall have effect (that is to say):—In carrying out any work or doing any act or thing authorised by this Act the Corporation shall not take down or directly or indirectly undermine damage or endanger any bridge over the River Hyndburn repairable by the inhabitants of the hundred of Blackburn or of the county of Lancaster and shall not commence or execute any work which may in anywise interfere with or affect any such bridge save in accordance with plans approved by and to the satisfaction of the county surveyor or bridge-master of

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the county of Lancaster: Nothing in this Act shall extend to lessen or control any right power or authority now vested in the justices of the peace for the county of Lancaster of altering repairing or rebuilding any bridge or the approaches to any bridge repairable by the inhabitants of the hundred of Blackburn or of the county of Lancaster.

PART IX.

Town Hall &c.

Power to provide town hall and municipal offices.

66. The Corporation may take down and remove any building or buildings at the commencement of this Act belonging to them for the purposes of the Corporation under the Municipal Corporation Acts or otherwise and may build on the site thereof or on any other land belonging to or acquired by them for the purpose a town hall and municipal offices and may from time to time enlarge and improve the same and furnish and fit up the same with all proper furniture and conveniences and may let or allow the use of the Town Hall or any other public building for the time being belonging to them for such purposes and on such conditions as they think fit if and when the same are not required for purposes of the Corporation and may dispose by sale lease or otherwise of the sites of buildings and may dispose of the materials of buildings when taken down or without taking down and removing the same may dispose by sale lease or otherwise for their estate or interest of buildings belonging to or used by them at the commencement of this Act and not required for any purposes of the Corporation.

PART X.

Markets, Slaughter-houses, &c.

Power to continue and establish markets fairs and slaughter-houses.

67. With respect to horse cattle fish or other markets and fairs and the providing of markets weighing houses and slaughter-houses the Corporation shall have the following powers (namely) :—

(1) They may provide cattle and other markets as aforesaid with offices approaches works and conveniences and may from time to time establish and hold cattle and other markets and fairs;

(2) They may continue and from time to time appoint and provide market places and market houses for the sale of marketable articles and places for fairs with offices approaches and conveniences;

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(3) They may continue all or any markets and fairs held at the commencement of this Act and may from time to time alter the days on which and the places at which the same respectively are or may be held and may establish and hold new cattle and other markets and fairs;

(4) They may provide and keep weighing houses or places weights and measures scales machines and apparatus for weighing or measuring articles and weighing carts and may appoint and employ such and so many persons to attend to such weighing or measuring as they from time to time think fit;

(5) They may from time to time provide and maintain or license slaughter-houses abattoirs and knackers yards with or without conveniences or fittings;

(6) They may demand and receive tolls stallages and rents (not exceeding the tolls stallages and rents specified in the First Schedule to this Act) from persons selling or offering or exposing for sale cattle horses fish or articles in any markets or fairs in the borough or using or occupying the shops stalls standings or other conveniences in the markets or fairs or frequenting the markets or fairs or using the weighing houses or places weights measures scales or machines in the markets or fairs or using the slaughter-houses abattoirs or knackers yards aforesaid;

(7) They may alter or discontinue any cattle or other market or fair of the Corporation and upon lands belonging to the Corporation enlarge improve alter or remove any market place or market house or any place for cattle or other markets or fairs or any slaughter-houses abattoirs or knackers yards or any approach work or convenience or any weighing house or place belonging to the Corporation.

License for sale out of market.

68. Notwithstanding section 13 of the Markets and Fairs Clauses Act 1847 the Corporation may from time to time if they think fit grant to any person a license to sell or expose for sale in a place (other than a market place or market house or in his own dwelling-house or shop) or from door to door any article in respect of the sale or exposure for sale whereof in any market place or market house or in respect of the user of any stall or other convenience for the sale or exposure for sale thereof in any market place or market house any toll stallage or rent is leviable by or payable to the Corporation every such license being granted on such terms and conditions as the Corporation think fit and to endure for a period not exceeding twelve months and to be revocable in such cases as the Corporation prescribe and the Corporation may demand and take for

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every such license for a period of twelve months any sum not exceeding one pound which shall be paid by them to the lessee for the time being (if any) of the market for his own use and if any person does any act for which such a license is authorised without having obtained such license or does any act in contravention of or omits to do anything required by any license granted to him he shall be liable on summary conviction to a penalty not exceeding forty shillings for every day on which any such offence is committed by him.

Prohibition of sale except in markets &c.

69. If any person sells or exposes for sale (except in his own dwelling-house or shop or in the dwelling-house or shop of the buyer or intended buyer) or carries about for sale any article in respect of the sale or exposure for sale whereof in any market place or market house or fair or in respect of the user of any stall or other convenience for the sale or exposure for sale whereof in any market place or market house or fair the Corporation are entitled to take any toll stallage or rent he shall be liable to a penalty not exceeding forty shillings but nothing in this or the preceding section shall extend to a licensed hawker that is to say a person who is required by law to take out a license as hawker and who has taken out such a license and who produces the same on demand to the market inspector or other authorised officer of the Corporation and who is selling or exposing or carrying about for sale articles in respect of which such a license is required.

Sale of cattle out of market.

70. From and after the establishment by the Corporation of such cattle or other market or fair as aforesaid every person who within the borough except in such market sells or offers or exhibits for sale or permits to be sold or to be offered or exhibited for sale any cattle other than cattle which are the bonâ fide property of such person and have been in his possession within the borough for the space of seven days prior to such sale offer or exhibition shall be liable to a penalty not exceeding five pounds but nothing in this Act shall prevent the bonâ fide owner of any cattle or any horse dealer in the case only of horses belonging to or consigned to him for sale from at any time selling the same or offering or exhibiting the same for sale in (or with respect to horses outside) his own house yard or land.

Market inspectors &c. may be made constables.

71. The Corporation may cause the inspectors and collectors of markets slaughter-houses and fairs now or hereafter belonging to or under the control of the Corporation and all persons appointed to assist them permanently or otherwise to be sworn before a justice as constables and the men so sworn if in uniform or provided with a

warrant which they shall show if required shall have all such powers authorities and privileges and shall be liable to such responsibilities and (subject to the directions of the Corporation) shall perform all such duties as constables appointed under the Municipal Corporation Acts.

Tolls to be payable by successive occupiers of shops &c.

72. The several tolls in the markets and fairs now or hereafter belonging to or under the control of the Corporation payable with respect of the occupation or user of any shop stall shed standing station or place shall be paid not only by the original taker or occupier thereof for a part of a day or other time if he do not occupy it the whole day but also by any subsequent taker or occupier of the same for any subsequent part of the same day or other time.

Tolls to be payable by successive sellers of articles.

73. The several tolls in the markets and fairs now or hereafter belonging to or under the control of the Corporation payable with respect to any animal or article shall be paid not only by the original seller but also by any subsequent seller or person who offers such animal or article for sale and such tolls shall become payable before such animal or article is sold or offered for sale.

Tolls when due.

74. The tolls in respect of animals articles or things brought to a market for sale shall become due as soon as the animals articles or things in respect whereof they are demandable are brought into the market place and in the case of cattle before they are put into any pen or tied up in such market place and if any animal article or thing so brought into a market be not removed at or before the closing of such market the toll payable in respect thereof shall be doubled in amount and all the provisions for the time being in force with respect to the recovery of the ordinary toll on such animal article or thing shall extend and apply to such double toll.

Leases of tolls.

75. The Corporation from time to time may let all or any of the tolls from time to time payable to them or profits to be collected or to arise under this Act and either with or separate from all or any of the works and conveniences of the Corporation to any person or persons either by public auction or private contract for such time not exceeding three years on such terms pecuniary and otherwise and conditions and with such securities for payment thereof as may be agreed upon between the Corporation and such person and persons respectively.

Power to reduce tolls.

76. It shall be lawful for the Corporation from time to time if they shall see occasion or think fit to reduce the tolls or any of them by this Act authorised to be taken in such proportions and manner as to the Corporation shall seem expedient (but not so as to pre-

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judice any lessee of the said tolls under the foregoing provisions of this Act) and after the said tolls have been so reduced it shall be lawful for the Corporation from time to time to raise the tolls so reduced to any sums not exceeding the amount of the tolls made payable by this Act and the Corporation shall immediately upon every such reduction or raising of the said tolls cause notice thereof painted or printed on a board to be set up and fixed in some public part of the markets with a table of the tolls so reduced or raised.

When slaughter-houses provided notice to be given.

77. In case slaughter-houses shall be provided by the Corporation and when the same are ready for public use the Corporation shall give notice thereof by printed handbills posted and circulated within the borough.

Leases of slaughter-houses &c.

78. The Corporation from time to time may let the slaughter-houses weighing houses or weighing places and weighing machines or any of them for not exceeding three years on such terms pecuniary and otherwise and conditions as the Corporation think proper.

Leases of stalls &c.

79. The Corporation from time to time may let any of the stalls shops standings sheds places and other conveniences in any market or fair to any persons for not exceeding three years on such terms pecuniary and otherwise and conditions as the Corporation and their lessees mutually agree on.

Assignment of leases.

80. The lessee of any tolls slaughter-house weighing house weighing machine stall shop standing or other convenience his executors administrators and assigns shall not without the consent of the Corporation assign the same.

Penalty of taking excessive toll.

81. If any person demands or receives a toll stallage or rent higher than that authorised he shall be liable to a penalty not exceeding forty shillings.

Recovery of tolls.

82. If any person liable to the payment of any toll stallage rent or charge for weighing payable to the Corporation does not pay the same when demanded the Corporation or their lessee or any person authorised by the Corporation or their lessee to collect the same may seize and detain the animal or article in respect of which the same is payable or any other animal or article in the market belonging to the person liable to pay the same and if the toll stallage rent or charge and the reasonable expenses of the seizure and detention and of the keeping and maintaining of the animal or article seized is not paid in case of perishable articles seized forthwith and in case of animals or other articles seized within four days from the time of seizure the Corporation or their lessee may forthwith or on the

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expiration of those four days (as the case may be) sell the animal or article seized and out of the money arising thereby may pay and retain the toll stallage rent or charge and the expenses aforesaid and those of the sale returning the overplus (if any) on demand to the owner of the article seized or such toll stallage or charge rent and such expenses may be recovered in any court of competent jurisdiction.

Settlement of disputes as to tolls.

83. If any dispute arises concerning any toll stallage or rent or the charges of keeping or selling any animal or article seized or detained under the powers of this Act such dispute shall be determined by a court of summary jurisdiction and the court shall on application make such order therein and may award such costs to either party as may appear to the said court just and in default of payment on demand of the money so awarded and of the costs the same shall be levied by distress.

Seizure of false weights &c.

84. If any person is found using any false scales weight or measure the superintendent of the market or other authorised officer of the Corporation or any peace officer may seize and detain the same and on conviction of the offender the same shall be forfeited to the Corporation.

Forfeiture of articles left in market.

85. Every animal or article brought into any market or fair within the borough and left therein after the hour of closing (except such as may be left in charge of the superintendent) may be taken possession of by the superintendent and if the same being of a perishable nature be not claimed within one hour after the closing or not being of a perishable nature be not claimed within one month thereafter then and in every such case the same may be sold by the Corporation who shall return the surplus proceeds of such sale after deducting any unpaid stallage rent or toll due in respect thereof and the expenses of detention and sale to the owner on demand if such demand is made within one month after the sale but if demand is not so made the proceeds of the sale shall be forfeited to the Corporation.

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

86. If any tenant on demand thereof after the same has become due and payable make default in the payment of any toll or rent payable to the Corporation in respect of any stall booth stand shed hiring fixture or property in any market fair or slaughter-house the Corporation may enter upon and take possession thereof and relet the same without prejudice to any other remedy for the recovery of such toll rent or charge.

Saving for Act relating to animals &c.
41 & 42 Vict. c. 74.

87. Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Act 1878

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or of any order license or Act of Her Majesty's Privy Council made granted or done or to be made granted or done thereunder or of any order regulation license or act of a local authority made granted or done or to be made granted or done under any such order of the Privy Council or exempt the slaughter-houses to which this Act relates or any building or thing whatsoever or any body or person from the provisions of any general Act relating to animals already passed or to be passed in this or any future session of Parliament.

PART XI.

Baths and Wash-houses.

As to baths and wash-houses.

88. The Corporation may from time to time apply any lands in their possession or may acquire by agreement lands for the purposes of the Baths and Wash-houses Acts and may thereon erect maintain and manage baths and wash-houses or if they think fit may lease the same.

Byelaws as to baths and wash-houses.

89. The Corporation may from time to time make and when made alter add to and repeal byelaws for all or any of the following purposes relating to public baths wash-houses and bathing places for the time being vested in the Corporation or under their control (that is to say):—

For securing that the baths and wash-houses and bathing places be under the due control of the officers and servants of the Corporation;

For securing adequate privacy to persons using the baths wash-houses and bathing places and providing security against accidents to persons using the bathing places;

For securing that men and boys above eight years old bathe separately from women and girls and children eight years old or under;

For preventing damage disturbance interruption and indecent and offensive language and behaviour and nuisances;

For determining the charges for the use of the baths wash-houses and bathing places and for recovery of the same.

Recovery of charges at wash-houses.

90. The officers and servants of the Corporation may detain clothes brought to be washed or other goods of any person refusing to pay any charge to which such person is liable under any byelaw as aforesaid for the use of the wash-houses of the Corporation till full payment thereof is made and in case such payment is not made within seven days after the same becomes due may sell such clothes or goods or any of them returning the surplus proceeds of

such sale (after deducting the unpaid charge and the expenses of detention and sale) together with any unsold articles on demand to the owner or the person by whom the same were brought to be washed. A.D. 1882.

PART XII.

Sanitary Arrangements.

Notice to be given of persons suffering from infectious disease.

91. In order to secure that due notice be given to the Corporation of any inmate of any building used for human habitation who is suffering from any infectious disease the following provisions shall take effect (that is to say);—

1. If any such inmate be suffering from any infectious disease the occupier or the person having the charge management or control of such building (or if such occupier or person be prevented by reason of such disease then the person in charge of such inmate) shall so soon as he shall become aware of the existence in any such inmate of any such disease forthwith give notice thereof to the medical officer of health at his office;
2. If such inmate be not a member of the family of such occupier or person the head of the family (resident in such building) to which such inmate belongs or if there be no such head or if such head be prevented by illness then such inmate (unless prevented by reason of such disease or of youth) shall on becoming aware of the existence in such inmate or in his own person as the case may be of such disease forthwith give notice thereof to such occupier or person;
3. The Corporation shall provide and supply gratuitously to every legally qualified medical practitioner resident or practising in the borough who shall apply for the same forms for the certificate or declaration to be made by such medical practitioner of the particulars herein-after mentioned in relation to such cases according to the form set forth in the Second Schedule to this Act;
4. Every medical practitioner attending on or called in to visit such inmate shall on becoming aware that such inmate is suffering from any infectious disease forthwith fill up sign and deliver or send to the medical officer of health at his office a certificate or declaration stating according to the form so prescribed the name of such inmate the situation of such building the name of such occupier or person and the nature of the infectious disease from which in the opinion of such medical practitioner such inmate is suffering;

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5. The Corporation shall pay to every legally qualified medical practitioner who shall in pursuance of this section duly make and give any such certificate or declaration a fee of two shillings and sixpence for each such certificate or declaration in respect of cases occurring in his private practice and a fee of one shilling for each such certificate or declaration in respect of cases occurring in his practice as a medical officer to any public body or institution;

6. And any person who shall wilfully offend against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Other diseases may be declared to be within the foregoing provision.

92. The Corporation may from time to time by resolution on the report of the medical officer of health and approved by the Local Government Board order that any infectious disease other than those specifically mentioned in this Act shall be deemed to be an infectious disease within and subject to the provisions of this Act.

1. Any such order of the Corporation may be permanent or temporary only and if temporary the period during which it is to continue in force shall be specified therein and the Corporation shall give public notice of the order by publishing the same by advertisement in two of the local newspapers circulating in the borough and after such public notice has been given the provisions of this Act shall so long as the order continues in force apply to the disease specified therein in like manner in all respects as if the disease were an infectious disease specifically mentioned in this Act;
2. The production of the newspapers containing a copy of the resolution shall be conclusive evidence that public notice of the order has been so given;
3. The Corporation shall immediately after any such order shall have been made send a copy thereof to each legally qualified medical practitioner residing in the borough but the omission to send any such copy shall not affect the validity of such order.

Cowkeepers and others to furnish lists of customers in certain cases.

93. Whenever it shall be certified to the Corporation by the medical officer of health or other legally qualified medical practitioner that the spread of infectious disease is in the opinion of such medical officer of health or medical practitioner attributable to the milk supplied by any cowkeeper purveyor of milk or occupier of a dairy milkstore or milkshop the Corporation may require such cowkeeper purveyor of milk or occupier to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the borough and such cow-

keeper purveyor of milk or occupier shall furnish such list accordingly and the Corporation shall pay to him for every such list after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed two shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Further powers in relation to disinfection of premises.

94. Where the Corporation are of opinion on the certificate of their medical officer of health or of any other legally qualified medical practitioner that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to communicate any infectious disease or to retain infection would tend to prevent or to check infectious disease and that such cleansing and disinfection would more effectually be carried out by the Corporation than by the owner or occupier of such house or part thereof the Corporation may if they think fit but at their own cost themselves cleanse and disinfect such house or part thereof and articles and may for that purpose remove any such articles and shall make compensation to such owners or occupiers for all property or articles destroyed or injured by the exercise of the provisions of this section And any person who shall obstruct any duly authorised officer of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalty on persons ceasing to occupy houses without previous disinfection or giving notice to owner or making false answers.

95. Every person who shall cease to occupy any house room or part of a house in which any person has within six weeks previously been suffering from any infectious disease without having such house room or part of a house and all articles therein liable to retain infection disinfected to the satisfaction of a legally qualified medical practitioner as testified by a certificate signed by him or without first giving to the owner of such house room or part of a house notice of the previous existence of such disease and every person ceasing to occupy any house room or part of a house and who on being questioned by the owner thereof or by any person negotiating for the hire of such house room or part of a house as to the fact of there having within six weeks previously been therein any person suffering from any infectious disease knowingly makes a false answer to such question shall be liable to a penalty not exceeding ten pounds.

Prohibiting the retention of dead bodies in certain cases.

96. No person shall without the sanction in writing of the medical officer of health or of a legally qualified medical practitioner retain unburied elsewhere than in a mortuary for more than forty-

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eight hours the dead body of any person who has died of any infectious disease and any person offending against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Bodies of persons dying in hospital &c. of infectious diseases to be removed only for burial.

97. If any person shall die from any infectious disease in any hospital or place of temporary accommodation provided by the Corporation and the medical officer of health certifies that in his opinion it is desirable in order to prevent the risk of communicating any infectious disease or spreading infection that the dead body shall not be removed from such hospital or place except for the purpose of being forthwith buried it shall not be lawful for any person or persons to remove such dead body from such hospital or place except for the last-mentioned purpose and when the dead body is taken out of such hospital or place for that purpose it shall be forthwith carried or taken directly to some cemetery or place or place of burial and shall be forthwith there buried and any person wilfully offending against this section shall be liable to a penalty not exceeding fifty pounds.

Justices may in certain cases order dead bodies to be buried.

98. Where the dead body of any person who has died of any infectious disease remains unburied elsewhere than in a mortuary for more than forty-eight hours after death without the sanction of the medical officer of health or of a legally qualified medical practitioner or is retained in a room in which persons live or sleep or where the dead body of any person is retained in any house or building so as to endanger the health of the inmates of such house or building or of any adjoining or neighbouring house or building and there shall be a certificate thereof signed by a legally qualified medical practitioner any justice may order the body to be removed at the cost of the Corporation to any mortuary provided by the Corporation and direct the same to be buried within a time to be limited in the order or may in the case of the body of a person who has died of any infectious disease or in any case in which he shall consider immediate burial necessary direct such body to be so buried without requiring the same to be removed to a mortuary and unless the friends or relatives of the deceased undertake to bury and do bury the body within the time limited by such order it shall be the duty of the relieving officer to bury such body at the expense of the poor rate but any expense so incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expense of such burial Any person obstructing the execution of an order made by a justice under this section shall be liable to a penalty not exceeding five pounds.

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Corpses not to be carried in public conveyances.

99. Any person who hires or uses a public conveyance other than a hearse for the conveyance of the corpse of a person who has died from any infectious disease without previously notifying to the owner or driver of such public conveyance that the person whose corpse is or is intended to be so conveyed has died from infectious disease and any owner or driver of a public conveyance other than a hearse which has been used for conveying the corpse of a person who has died from infectious disease who shall not immediately afterwards provide for the disinfection of such conveyance shall be liable to a penalty not exceeding five pounds.

Penalty for offences under section 84 of 38 & 39 Vict. c. 55.

100. Any keeper of a common lodging-house in the borough who fails to give the notice required by section 84 of the Public Health Act, 1875 shall be liable to a penalty not exceeding five pounds and in the case of a continuing offence to a daily penalty not exceeding forty shillings.

Penalties only recoverable by Corporation.

101. No penalty under this part of this Act shall be recoverable except on the information or complaint of the Corporation.

Saving for Acts relating to dairies animals &c.

102. Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Act 1878 or of any order license or act of Her Majesty's Privy Council made granted or done or to be made granted or done thereunder or of any order regulation license or act of a local authority made granted or done or to be made granted or done under any such order of the Privy Council or exempt the dairies milk stores or milk shops to which this Act relates or any building or thing whatsoever or any-body or person from the provisions of any general Act relating to dairies milk or animals already passed or to be passed in this or any future session of Parliament.

Corporation to provide shelter &c. for members of families in which infectious disease has appeared.

103. The Corporation shall from time to time provide temporary shelter or house accommodation for the members of any family in which any infectious disease has appeared and who have been compelled to leave their dwellings for the purpose of enabling such dwellings to be disinfected and shall further provide or contract with any person or persons to provide nurses for attendance upon persons suffering from any infectious disease within the borough and shall be enabled to charge a reasonable sum for the service of any nurse provided by them.

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PART XIII.

Parks, &c.

Power to purchase lands and to form parks.

104. The Corporation may from time to time purchase by agreement any lands within or near the borough to be appropriated for the purposes of a park or a public walk or public walks or a place or places of public resort or recreation or for the enlargement or improvement thereof or of the approaches thereto and may level drain sewer pave flag gravel lay out plant light or otherwise improve every such park walk or place and do such other acts as appear necessary to the Corporation with a view to the proper formation maintenance improvement use and enjoyment of every such park walk or place.

Maintenance and improvement of parks.

105. The Corporation may from time to time maintain rearrange improve and ornament any park or parks for the time being belonging to them and may erect on any part of the same refreshment rooms shelters and other like buildings and conveniences for the use of the public and buildings and conveniences for the better storing and keeping of materials for maintaining repairing and improving the same and they may for the purpose of improving and ornamenting the parks and the approaches thereto make and execute all such works roads and conveniences and enlarge all or any of the existing roads leading thereto as they may from time to time think necessary or expedient.

Power to set apart lands for games, &c.

106. The Corporation may set apart portions of the parks and recreation grounds for cricket football archery and other like games and for drill of any volunteer regiment or any part thereof but so that the same shall be open to the public when not in use for such games or drill.

Power to close parks and let portions for special purposes.

107. The Corporation may from time to time on giving notice by advertisement in a local newspaper circulating within the borough and by placard close any park or part of any park for such days not exceeding twelve days altogether in any one year as they think fit and may take money for special use on those days of any park or any part thereof for any purpose they may approve.

Power to provide apparatus for games.

108. The Corporation may provide apparatus for games and recreation for the use of the public frequenting the parks and recreation grounds belonging to the Corporation and may charge for the use thereof and they may lease or grant for any term not exceeding three years the right of providing and charging for such apparatus upon such terms and conditions as they think proper and the Corporation may make regulations or byelaws with respect to the use and the payment for the use of such apparatus.

Corporation may appoint and remove park-keepers &c.

109. The Corporation may appoint employ and remove keepers and other persons to maintain order in and attend to the parks and recreation grounds belonging to the Corporation and may from time to time fix and vary the hours during which such parks and recreation grounds shall be opened and closed and any person breaking the regulations of the Corporation with respect to such opening and closing shall be liable to be proceeded against summarily before the justices and upon conviction shall pay for every such offence a penalty not exceeding forty shillings.

Byelaws for regulation of parks.

110. The Corporation may from time to time make byelaws for all or any of the following purposes relating to any public park walk or place of public resort or recreation belonging to them (that is to say):—

For fixing the payment to be made for admission to any building therein or for the use of any ground for cricket or other games;

For regulating the conduct of persons frequenting the same;

For preventing the holding therein of any religious political or party meeting or any meeting which in the judgment of the Corporation is not proper to be held therein;

For regulating the days and hours at which bands of music or music of any sort are or is to be permitted therein;

For regulating refreshment rooms therein and for determining the days on and hours at which they are to be opened and closed;

For preventing or for regulating the smoking of tobacco therein or in any building or part of a building therein;

For preventing or regulating the admission therein of dogs;

For preventing males from intruding on or using places therein set apart for the use of females and vice versâ;

For preventing or regulating the admission therein of vehicles horses and other animals;

For protecting from injury buildings terraces fountains bridges walks seats fences and other parts of or things of or belonging to the park or place and for preventing the destruction or injury of aquatic or other birds their nests or eggs or of other animals or of fish or of trees or plants flowers or the plucking of flowers or leaves therein;

For enabling the servants of the Corporation to remove and if need be exclude therefrom persons seen committing and guilty of a breach of any byelaw relative thereto or of any public law.

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PART XIV.

Licenses, Regulations, &c.

Power to make byelaws as to hackney carriages. 10 & 11 Vict. c. 89.

111. The power of the Corporation to make byelaws under the provisions of the Towns Police Clauses Act 1847 with respect to hackney carriages as incorporated with the Public Health Act 1875 shall extend to making byelaws for all or any of the following purposes (that is to say):—

For regulating the fitness of animals to be employed to draw a hackney carriage and for the disuse for that purpose of unfit animals and for preventing the carrying in or upon hackney carriages of dead bodies or of persons having any infectious or loathsome disease.

And for regulating all or any of the following matters that is to say:—

The number of passengers to be carried and the space to be allowed for each passenger;

The examination and inspection of hackney carriages;

The painting on hackney carriages of names of owners numbers and other distinctive marks;

The fares to be charged;

The repairing ventilating cleansing and lighting (inside and outside) of hackney carriages;

The stands for hackney carriages and the times of remaining thereat and of departure therefrom;

Penalty for fraudulent use of numbers and badges.

112. If any person fraudulently or with intent to deceive does either of the following things (namely):

(1) Affixes or places on any carriage any figure or number appointed by the Corporation to be affixed to any licensed carriage:

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

he shall be liable to a penalty not exceeding forty shillings.

Penalty on persons obstructing footway.

113. If three or more persons shall be assembled together in any street at any time of the day or night for the purpose of assaulting insulting or annoying foot passengers and if any of such persons shall not comply with the direction or request of any constable to move away so as to leave the footway clear and unobstructed or shall assault insult or annoy any foot passenger he shall be liable to a penalty not exceeding forty shillings.

Street traffic byelaws.

114. The Corporation may make byelaws for prohibiting entirely or at certain times any vehicle from running into or passing along any street in which any public building is situate during any hours to be specified in such byelaws and any person guilty of any breach of such byelaws or who does not comply with the direction of any constable acting in pursuance thereof shall be liable to a penalty not exceeding five pounds.

Street musicians to depart when desired to do so.

115. Any householder personally or by his servant or by any constable may require any street musician or singer to depart from the neighbourhood of the house of such householder and every person who sounds or plays upon any musical instrument or sings in any street near or within hearing of such house after being so required to depart shall be liable to a penalty not exceeding forty shillings.

PART XV.

Byelaws.

Byelaws to be subject to provisions of 38 & 39 Vict. c. 55.

116. All byelaws authorised to be made by this Act (except otherwise expressly provided) shall be made subject to and in accordance with the provisions of the Public Health Act 1875 with respect to byelaws as though the same were made under and for the purposes of the said Act and sections 182 to 187 both inclusive of the Public Health Act 1875 shall be applicable to such first-mentioned byelaws accordingly.

Offences against byelaws &c. how to be prosecuted.

117. All offences against any byelaws made under the authority of this Act and all penalties or forfeitures which may be imposed for the breach of any such byelaw or regulation and the costs and expenses which may be incurred by the Corporation in the prosecution of any person offending against any such byelaw or regulation may respectively be prosecuted and recovered and applied in the manner provided by sections 251 and 254 of the Public Health Act 1875 respectively as if such offences were offences against the said Act.

PART XVI.

Financial.

Power of Corporation to borrow.

118. The Corporation may from time to time independently of any other borrowing power borrow at interest for the several purposes of this Act the sums following that is to say—

(1) For new streets street improvements sums not exceeding in the whole ten thousand pounds.

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(2) For markets and slaughter-houses and works connected therewith sums not exceeding the sum of thirteen thousand pounds.

(3) For Town Hall and municipal offices sums not exceeding in the whole the sum of twelve thousand pounds.

(4) For purchase of land and laying out of same for parks or recreation grounds sums not exceeding in the whole the sum of fifteen thousand pounds.

(5) For stables depôt railway sidings and works connected therewith sums not exceeding in the whole the sum of seven thousand pounds.

(6) For baths and wash-houses sums not exceeding in the whole the sum of ten thousand pounds.

(7) For hospital for contagious diseases sums not exceeding in the whole the sum of five thousand pounds.

(8) For river improvements and works connected therewith sums not exceeding in the whole the sum of eight thousand pounds.

(9) And for general purposes including the costs charges and expenses of and incident to this Act sums not exceeding in the whole the sum of twenty thousand pounds.

The said secondly thirdly and sixthly mentioned sums together with so much of the ninthly mentioned sum as includes the costs charges and expenses of and incidental to this Act shall be borrowed on the security of the borough fund or rate and as to the remainder of the ninthly mentioned sum equally on the security of the borough fund and general district rate respectively and the other hereinbefore mentioned sums respectively shall be borrowed on the security of the general district fund and rate and the Corporation may mortgage all such funds rates and revenues to secure repayment thereof with interest accordingly.

Provided always that no part of the money by this Act authorised to be borrowed under the fourth fifth sixth seventh and eighth heads aforesaid shall be borrowed except with the consent of the Local Government Board and the consent of the Local Government Board shall similarly be required to the borrowing of moneys under the ninth head excepting the amount requisite to defray the costs charges and expenses preliminary to and of and incidental to the preparing for obtaining and passing of this Act.

Power to borrow further sums with approval of Local

119. In addition to the moneys which by the last preceding section the Corporation are authorised to borrow they may from time to time with the approval of the Local Government Board borrow at interest on the respective securities mentioned in the last preceding

section such sum or sums of money as they may require for any of the purposes respectively for which money is by this Act authorised to be borrowed.

Government Board.

Power to re-borrow.

120. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments or appropriations or by means of a sinking fund or out of the proceeds of the sale of land or of fines and leases granted they may re-borrow the same and so from time to time Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the original loan and all moneys borrowed and re-borrowed shall be deemed for purposes of repayment to form the same loan.

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

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

Repayment of borrowed moneys.

122. All moneys borrowed by the Corporation under this Act shall be repaid within a period not exceeding sixty years from the time of borrowing in all or any of the following modes (that is to say) by equal annual instalments of principal or of principal and interest or by a sinking fund or sinking funds.

Form of mortgage.

123. Every mortgage made by the Corporation shall be by deed under their common seal duly stamped and truly stating the consideration All the mortgages of the Corporation under this Act shall rank together without any priority on account of the date of the deed or on any other account and the provisions contained in sections 236 to 239 both inclusive of the Public Health Act 1875 with respect to the mortgages to be executed by a local authority shall apply in the case of all mortgages granted under the powers of this Act except when any such provisions are expressly altered or varied by this Act and for the purposes of such application the term "local authority" in those provisions shall mean the Corporation.

Sinking fund under 38 & 39 Vict. c. 83.

124. If the Corporation borrow by the creation and issue of debenture stock under the Local Loans Act 1875 any moneys which they are by this Act authorised to borrow they shall provide for the

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discharge of the same by a sinking fund or by appropriations or annual repayments and for the purpose of repayment of any moneys borrowed as aforesaid the prescribed period shall be sixty years.

Protection of lenders from inquiry.

125. A person lending money to the Corporation shall not be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof.

Corporation not to regard trusts.

126. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the books of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest therein not entered on their books and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable and accountable for any loss mis-application or non-application of any of such money.

Saving existing charges.

127. Nothing in this Act shall prejudicially affect any charge on the corporate estates of the Corporation and the borough fund and borough rates or any of them or on any rate or fund of the Corporation acting as the sanitary authority by way of annuity mortgage or otherwise subsisting at the commencement of this Act and every annuitant mortgagee and incumbrancer and person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the property fund or rate subject to his charge as if this Act had not been passed and all such charges created before the commencement of this Act shall during the subsistence thereof have priority over any mortgage or debenture stock granted under this Act.

Certain regulations of 38 & 39 Vict. c. 55 as to borrowing not to apply.

128. The powers of borrowing money by this Act given shall not be restricted by any of the provisions contained in sections 233 and 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under the Public Health Act 1875 any sums which they may borrow under this Act shall not be reckoned.

Sinking fund.

129. If the Corporation determine to pay off any moneys borrowed under this Act by means of a sinking fund they shall every year set apart and appropriate a sum of money which shall be equal to such an amount as will be sufficient with accumulations to pay off

the principal moneys raised from time to time under and for the purposes of this Act in sixty years from the date of borrowing in each case and the Corporation may from time to time cause such sinking fund to be invested in any securities in which trustees are for the time being authorised to invest trust funds or in any securities issued by any local authority as defined by the Local Loans Act 1875 other than the Corporation and may from time to time change any investment made by them of any such money for any other or others of the investments authorised by this Act.

The Corporation may from time to time within the said period of sixty years apply the sinking fund or any part thereof in or towards the discharge of consolidated debt herein-after mentioned or the redemption of the money borrowed under this Act and until such discharge or redemption is effected shall not apply the same to any other purpose.

Where the sinking fund or any part thereof is applied in discharging debt or in redeeming loans as aforesaid before the expiration of the said term of sixty years the interest which would otherwise be produced by such sinking fund or the part thereof so applied shall in each year be paid into the fund and invested and accumulated in manner herein provided.

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

130. The town clerk shall within twenty-eight days after the expiration of each year during which any sum is required to be set apart for a sinking fund or to be paid by way of instalment under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by some responsible officer of the Corporation by statutory declaration if so required by the said Board showing the amount which has been paid off by way of instalment and the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same and the interest thereof has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds to be recovered summarily by the Local Government Board If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment and to set aside the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised

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by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments under the Local Loans Act 1875.

Application of money borrowed.

131. Money borrowed by the Corporation under this Act shall be applied only for the purposes of this Act to which capital is properly applicable.

Form of mortgages.

132. Mortgages and transfer of mortgages under this Act may be made in accordance with the forms authorised by the Public Health Act 1875 or to the like effect.

Power to levy rates payable by instalments.

133. The Corporation may levy any rate they are for the time being authorised to make either in one sum or payment or by any number of instalments of such amounts and to be paid at such times as they shall from time to time fix and determine at the time of making such rate and in the case of a rate payable by instalments the demand note shall in addition to other requisite particulars state the time appointed for payment of such instalments and all the powers and remedies of the Corporation for the recovery of rates shall extend and apply to each instalment as if the same were a separate rate.

Separate accounts to be kept.

134. The Corporation shall keep separate accounts—

(1) Of their receipts payments assets and liabilities with respect to their market undertaking to be called "the market account" and similarly;

(2) Of their receipts payments assets and liabilities with respect to any other subject matter under this Act which ought as a matter of correct book-keeping to form the subject of a separate account.

Buildings erected since last valuation list may be valued and rated.

135. Where owing to the extension of buildings in the borough it happens that between the making of the last valuation list or of the last rate for the relief of the poor (in this section called the poor rate) as the case may be and the making of the next assessment for rates leviable by the Corporation new buildings have been erected which cannot be included in such rates the following provisions shall have effect (that is to say):—

(1) If after the making of the valuation list or if there be none then after the making of the last poor rate and before the making of the next following rate by the Corporation any

building be newly erected which would be assessable to the poor rate the Corporation may cause such building to be valued by a competent valuer and the Corporation may in making the assessment for their said next rate include such building therein;

(2) For the purpose of every such valuation the valuer with his assistants may at all reasonable hours until the same is completed enter and survey all and every part of the property to be valued and do any act or thing necessary for the making of such valuation and the valuer may accept any valuation tendered to him which he may consider just and true;

(3) If any person think himself aggrieved by any rate made on the basis of such valuation he may at the first meeting of the council held after the publication of such rate after giving three days notice in writing to the Corporation apply to the court of quarter sessions for relief and they may grant such relief as they think right and may amend such rate accordingly.

Poor rate books may be inspected by Corporation.

136. The Corporation may cause all or any of the books or assessments of rates for the relief of the poor within the borough or the valuation lists for the townships wholly or in part within the borough to be produced before them or their proper officer at their office once in every year on seven days previous notice in that behalf in writing to the clerk to the guardians and at the office of the said clerk at all reasonable times and may cause a copy thereof or of any part thereof to be taken without payment and if any person in whose custody or power any such book assessment or valuation list is or ought to be fails when required to attend therewith or to permit the Corporation to take a copy thereof or of any part thereof he shall be liable to a penalty not exceeding twenty pounds.

PART XVII.

Miscellaneous.

Proceedings for summary convictions and appeals.

137. Proceedings with a view to the summary conviction of offenders under this Act or under any byelaw of the Corporation or to the recovery of penalties (except when otherwise expressed) or of any money or expenses authorised to be recovered summarily or any order to be made by justices under this Act or any such byelaw shall be taken according to the provisions of the Summary Jurisdiction Acts.

As to appeals.

138. Any person entitled to appeal under the foregoing sections of this Act or deeming himself aggrieved by any order or deter-

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mination or the withholding of any consent or approval of the Corporation or of any officer or valuer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal (but in cases where application for relief is authorised to be made to the Corporation then only after such application) to the next practicable court of quarter sessions under and according to the provisions of section 269 of the Public Health Act 1875.

Recovery of sums by action.

139. Whenever any person neglects to pay any rate or sum due to the Corporation the Corporation may recover the same with full costs of suit in any court of competent jurisdiction for the recovery of debts of the like amount and the remedy of the Corporation under this enactment shall be in addition to their other remedies for the recovery of such rate or sum.

Proceedings against several persons for the same offence.

140. Where proceedings under this Act are to be taken against several persons in respect of one offence caused by their joint act or default the Corporation may if they think fit include them in one complaint and a justice may if he thinks fit include them in one summons and any order made in such a case may be made on all or any one or more of the persons included in the summons and the costs may be distributed as to the justice appears fair.

Several sums in one summons.

141. Any summons or warrant issued for any purpose of this part of this Act may contain in the body thereof or in a schedule thereto several names and several sums.

Punishment of abettors.

142. Where the doing of any act or thing is made punishable by this Act or by any byelaw thereunder the causing procuring aiding or abetting such act or thing to be done shall be punishable in like manner if the nature of the case permits and if an intention to the contrary does not appear in the enactment or byelaw creating the offence.

Proceedings when offender refuses to state his name.

143. If any person charged with any offence against this Act or any byelaw thereunder refuses to disclose his name all the necessary proceedings may be had and carried on against him for the recovery of any penalty forfeiture or damage imposed or incurred by the description of his person and of the offence committed without stating his name or if one only of his names is known all necessary proceedings may be had and carried on against him by such name only.

Evidence of previous convictions.

144. The justice before whom any person is convicted of any offence against this Act or any byelaw thereunder may transmit the conviction to the next court of quarter sessions there to be kept by

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the proper officer among the records of the court and on the prosecution of any person for any subsequent offence a copy of such conviction certified by the proper officer of the court or proved to be a true copy shall be sufficient evidence to prove a conviction for the former offence and such conviction shall be presumed not to have been quashed on appeal until the contrary is shown.

Saving for indictments &c.

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

Costs of distress.

146. Any justice who issues a warrant of distress for any purpose of this Act may order that the costs of and incidental to the recovery of the money to be levied be paid by the person liable to pay that money and the costs shall be ascertained by the justice and shall be included in the warrant of distress for recovery of the money.

Judge &c. not disqualified.

147. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate or other charge under this Act.

Powers of Act cumulative.

148. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers conferred on them by Act of Parliament charter law or custom and the Corporation may exercise such other powers as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Penalty for obstructing the execution of Act.

149. Any person who obstructs assaults hinders or molests any member or officer of the Corporation or any other or person or person appointed or employed by the Corporation in the execution of his duty under this Act or any byelaw made in pursuance thereof shall for every such offence be liable to a penalty not exceeding five pounds.

Corporation may compound actions.

150. When any action or proceeding is brought or instituted by or against the Corporation for anything done or supposed to be done in pursuance or by virtue of this Act it shall be lawful as well for the Corporation as for all persons with whom the Corporation shall have any such dispute to compound such action or proceeding without bringing the same to trial.

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Penalty for general offences against provisions of Act.

151. Any person offending against any of the preceding provisions contained in this Act shall except as otherwise provided forfeit and pay for every such offence a penalty not exceeding five pounds and in case of a continuing offence a daily penalty not exceeding forty shillings.

Expenses of Act.

152. All the costs charges and expenses preliminary to and of and incidental to the preparing for obtaining and passing of this Act shall be borne by the Corporation and shall be paid by them out of the borough fund or borough rate or out of any moneys to be borrowed thereon for the general purposes of this Act.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

TOLLS TO BE TAKEN IN THE MARKET HOUSE.

	s.	*d.*
For any number of fowls or for any quantity of butter eggs or other provisions brought into the market for the purpose of sale or exposure for sale in a pair of panniers hampers or other baskets pens or receptacles measuring not more than four feet in length three and a half feet in breadth and eighteen inches in depth and occupying a space of not more than fourteen feet superficial measure on the ground the sum of - - - - -	1	0
And if occupying a larger space for every additional superficial foot the sum of - - - - - - - -	0	1
For any number of fowls or for any quantity of butter eggs or other provisions brought into the market for the purpose of sale or exposure for sale in a single pannier hamper or other basket pen or receptacle measuring not more than four feet in length twenty-one inches in breadth and eighteen inches in depth and occupying a space of not more than seven feet superficial measure on the ground the sum of - - - - - -	0	6
If occupying a larger space for every additional superficial foot the sum of - - - - - - - -	0	1
For any number of fowls or for any quantity of butter eggs or other provisions brought into the market for the purpose of sale or exposure for sale in a hand basket hamper or other basket or receptacle measuring not more than two feet in length fifteen inches in breadth and seven inches in depth the sum of - -	0	2

	s.	d.
For any quantity of vegetables or fruit brought into the market for the purpose of sale or exposure for sale in a pair of panniers hampers or other baskets measuring together not more than four feet in length three and a half feet in breadth and eighteen inches in depth and occupying a space of not more than fourteen feet superficial measure on the ground the sum of - - -	0	8
If occupying a larger space for every additional superficial foot the sum of - - - - - - - - -	0	0½
For any quantity of vegetables or fruit brought into the market for the purpose of sale or exposure for sale in a single pannier hamper or other basket measuring not more than four feet in length one foot nine inches in breadth and eighteen inches in depth and occupying a space of not more than seven feet superficial measure on the ground the sum of - - - - -	0	4
If occupying a larger space for every additional superficial foot the sum of - - - - - - - - -	0	0½
For any quantity of vegetables or fruit brought into the market for the purpose of sale or exposure for sale in a hand basket hamper or other basket or receptacle measuring not more than two feet in length fifteen inches in breadth and twelve inches in depth the sum of - - - - - - - -	0	3
For any quantity of potatoes carrots turnips beans peas or other vegetables or fruit brought into the market for the purpose of sale or exposure for sale in a sack or bag (containing not more than twelve pecks imperial measure) the sum of - - -	0	3
For any number of cabbages or other plants trees or shrubs brought into the market for the purpose of sale or exposure for sale and occupying a superficial foot of ground the sum of - -	0	1

TOLLS TO BE TAKEN IN THE OPEN MARKET PLACE.

For any quantity of corn grain seeds flour malt hops or other such agricultural produce brought into the market for the purpose of sale or exposure for sale and occupying a space of not more than twelve feet superficial measure on the ground the sum of - -	0	3
And if occupying a larger space then for every additional superficial foot the sum of - - - - - - - -	0	0¼
For any quantity of hay straw vetches grass or other such agricultural produce brought into the market for the purpose of sale or exposure for sale in a cart or carriage the sum of - - - -	0	6
For any quantity of fish brought into the market for the purpose of sale or exposure for sale in a pair of panniers hampers or other baskets or receptacles measuring not more than four feet in length three and a half feet in breadth and eighteen inches in depth and occupying a space of not more than fourteen feet superficial measure on the ground the sum of - - - -	0	3
And if occupying a larger space then for every additional superficial foot the sum of - - - - - - - -	0	0½

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	s.	d.
For any quantity of fish brought into the market for the purpose of sale or exposure for sale in a single pannier hamper or other basket or receptacle measuring not more than four feet in length twenty-one inches in breadth and eighteen inches in depth and occupying a space of not more than seven feet superficial measure on the ground the sum of - - - - - - -	0	1½
And if occupying a larger space then for every additional superficial foot the sum of - - - - - - - -	0	0¼
For any number of fowls or for any quantity of pork butter eggs or other provisions brought into the market for the purpose of sale or exposure for sale in a pair of panniers hampers or other baskets pens or receptacles measuring not more than four feet in length three and a half feet in breadth and eighteen inches in depth and occupying a space of not more than fourteen feet superficial measure on the ground the sum of - - - - -	0	3
And if occupying a larger space for every additional superficial foot the sum of - - - - - - - -	0	0¼
For any number of fowls or for any quantity of pork butter eggs or other provisions brought into the market for the purpose of sale or exposure for sale in a single pannier hamper or other basket or receptacle measuring not more than four feet in length, twenty-one inches in breadth and eighteen inches in depth and occupying a space of not more than seven feet superficial measure on the ground the sum of - - - - - - -	0	1½
If occupying a larger space for every additional superficial foot the sum of - - - - - - - -	0	0¼
For any number of fowls or for any quantity of pork butter eggs or other provisions brought into the market for the purpose of sale or exposure for sale in a hand basket hamper or other basket or receptacle measuring not more than two feet in length fifteen inches in breadth and seven inches in depth the sum of - - -	0	1
For any quantity of vegetables and fruit brought into the market for the purpose of sale or exposure for sale in a pair of panniers hampers or other baskets measuring not more than four feet in length three and a half feet in breadth and eighteen inches in depth and occupying a space of not more than ten feet superficial measure on the ground the sum of - - - - -	0	2
If occupying a larger space for every additional superficial foot the sum of - - - - - - - -	0	0¼
For any quantity of vegetables and fruit brought into the market for the purpose of sale or exposure for sale in a hand basket hamper or other basket or receptacle measuring not more than two feet in length fifteen inches in breadth and twelve inches in depth the sum of - - - - - - - -	0	1
For any quantity of potatoes carrots turnips beans peas or other vegetables or fruit brought into the market for the purpose of sale or exposure for sale in a sack or bag containing not more than seventy-two pecks imperial measure the sum of - - -	0	1

	s.	d.
For any number of cabbages or other plants for any number of trees or shrubs or for any quantity of vegetables or fruit brought into the market for the purpose of sale or exposure for sale and deposited on the ground for each superficial foot the sum of - - -	0	0¼

Tolls for Weighing Waggons Carts Carriages &c.

For every waggon or other four-wheeled carriage with the loading thereof the sum of - - - - - -	0	4
For every cart or other two-wheeled carriage with the loading thereof the sum of - - - - - - -	0	1½

Cattle and Hide Market.

For each horse foal pony bull bullock or cow offered for sale by auction - - - - - - - -	1	0
For each sheep or other beast or animal offered for sale by auction -	0	3
For every horse foal or pony brought into the market for the purposes of sale or exposure for sale otherwise than by auction -	0	2
For each ass or mule brought into the market for the purpose of sale or exposure for sale otherwise than by auction - - -	0	1
For each bull bullock cow steer or heifer brought into the market for the purpose of sale or exposure for sale otherwise than by auction - - - - - - - - -	0	2
For each calf brought into the market for the purpose of sale or exposure for sale otherwise than by auction - - -	0	1
For sheeps rams lambs cows bulls or goats hides or skins brought into the market for the purpose of sale or exposure for sale otherwise than by auction each - - - - -	0	1
For every stallion or entire horse and for every other animal not herein-before named brought into the market for the purpose of sale or exposure for sale otherwise than by auction - -	1	0
For each pig brought into the market for the purpose of sale or exposure for sale otherwise than by auction - - -	0	2
For every score of live poultry brought into the market for the purpose of sale or exposure for sale otherwise than by auction -	0	6

Slaughter-house Tolls.

For every bull ox cow bullock steer or heifer - - -	2	6
For every calf - - - - - - -	1	0
For every sheep or lamb - - - - - -	0	6
For every hog or pig - - - - - -	0	8
For every other animal - - - - - -	2	0

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THE SECOND SCHEDULE.

Certificate of Disease, &c.

THE ACCRINGTON IMPROVEMENT ACT 1882.

To the Corporation of the Borough of Accrington.

Pursuant to the above-mentioned Act I hereby certify and declare that in my opinion the under-mentioned person is suffering from [*here state the disease*] being an infectious disease within the terms of section of the above-named Act.

Dated the day of 18 .

Signed

Name of the person suffering from the disease - - -

Situation of the building wherein such person is - - -

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

Note.—This certificate must (under a penalty in case of neglect of forty shillings) be forthwith sent to the medical officer of health at his residence, and delivered to the official clerk or servant who shall be found in attendance there.

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Printers to the Queen's most Excellent Majesty. 1882.