CHAPTER clxxxviii.

A.D. 1877.

An Act to extend the Borough of Bolton, and to enable the Mayor, Aldermen, and Burgesses thereof to make New Streets and Street Improvements, to extend the Limits of Gas Supply, and to make further provision for the Improvement and Government of the Borough; and for other purposes. [2d August 1877.]

WHEREAS the borough of Bolton, in the county of Lancaster, is a municipal borough subject to the Acts relating to municipal corporations, and the mayor, aldermen, and burgesses of the said borough are in this Act called the Corporation:

And whereas the following Acts are in force within the said borough; (that is to say,)

17 & 18 Vict. c. clix. Bolton Improvement Act, 1854;
24 & 25 Vict. c. clxxiii. Bolton Improvement Act, 1861;
27 & 28 Vict. c. cci. Bolton Improvement Act, 1864;
28 & 29 Vict. c. xii. Bolton Improvement Act, 1865; and
35 & 36 Vict. c. lxxviii. The Bolton Corporation Act, 1872;

which Acts are in this Act referred to collectively as "the former Acts," and each of them separately as an Act of the year in which the same was passed:

And whereas the Corporation are the owners of the gas and water undertakings of the said borough, and under powers contained in the former Acts manufacture gas and supply gas and water in the said borough and in townships and places adjacent thereto:

And whereas "The Local Government Act, 1858," was adopted in the township of Halliwell in the month of November one thousand eight hundred and sixty-three, and the said township of Halliwell became the district of the local board of health of Halliwell:

And whereas it is expedient that the municipal limits of the said borough be extended so as to include part of the said district, and

A.D. 1877. that the said local board be dissolved, and their estate, property, rights, duties, debts, and liabilities, subject to the provisions of this Act, be transferred to the Corporation, and that so much of the said district as is not added to the borough be added to and form part of the district of the rural sanitary authority of the Bolton Union:

And whereas the said local board of health of Halliwell owes on mortgage the sum of twenty-four thousand four hundred and ninety-four pounds four shillings and fourpence:

And whereas the Corporation are the burial board for the said borough, and it is expedient that they be constituted the burial board for the borough as extended:

And whereas it is expedient that a new ward be added to the said borough, and that the number of aldermen and councillors be increased:

And whereas it is expedient that the Corporation be authorised to abandon the construction of a road authorised by the Act of 1864, and to construct another road in lieu thereof:

And whereas it is expedient that the Corporation be enabled to construct the several new works and improvements herein-after mentioned:

And whereas it is expedient that the Corporation be authorised to acquire additional lands for waterworks and sewage purposes:

And whereas it is expedient that the limits within which the Corporation are empowered to supply gas be extended:

And whereas the Corporation under the powers of their former Acts have provided a park and recreation grounds for the borough, and have also power to erect slaughter-houses:

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

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

And whereas estimates have been prepared by the Corporation for the purchase of land for and the execution of the following works by this Act or by the former Acts authorised, and such estimates are as follows; (namely,)

For new streets and roads and street improvements, fifteen thousand pounds;

For slaughter-houses, twenty-five thousand pounds;

For new sewer, sewage works and purposes, fifty thousand pounds;

For waterworks purposes, eighty-five thousand pounds;

For gasworks purposes, one hundred thousand pounds;

For completing the park and recreation grounds, fifteen thousand pounds:

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

And whereas an absolute majority of the whole number of the council, at a meeting held on the twenty-fifth day of September one thousand eight hundred and seventy-six, after ten clear days notice by public advertisement of such meeting, and of the purpose thereof, in the Bolton Daily Chronicle, a local paper published or circulating in the borough, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate:

And whereas such resolution was published twice in the Bolton Daily Chronicle, a newspaper circulating in the borough, and has received the approval of the Local Government Board in respect of matters under the jurisdiction of the Board, and of one of Her Majesty's Secretaries of State in respect of other matters:

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 tenth day of January one thousand eight hundred and seventy-seven, being not less than fourteen days after the deposit of the Bill in Parliament:

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

And whereas plans and sections describing the lines, situations, and levels of the works authorised by this Act, and plans showing the lands to be acquired under the powers of this Act, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of lands in the line of those works or within the limits of deviation as defined on the plans, and describing those lands, have been deposited with the clerk of the peace for the county of Lancaster, and are in this Act referred to as the deposited plans, sections, and book of reference:

May it 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,

A.D. 1877.

and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited as "The Bolton Improvement Act, 1877."

Certain provisions of general Acts herein named incorporated.

2. The following Acts or parts of Acts; (that is to say,)

"The Lands Clauses Consolidation Acts, 1845, 1860, and 1869;"

The provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the temporary occupation of lands near the railway during the construction thereof, but for the purpose only of constructing the bridge and sewer and (so far as the same is to be made in cutting) the road in the township of Turton, being works A., I., and K. by this Act authorised;

The provisions of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, except section eighty-four;

"The Waterworks Clauses Acts, 1847 and 1863;

"The Gasworks Clauses Act, 1847," and "The Gasworks Clauses Act, 1871," except section eight (for appointment of a receiver) and section thirty-five (accounts, &c.);

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

Interpretation of terms.

3. In this Act,—

"The existing borough" means the municipal borough as existing at the passing of this Act:

"The added part of the borough" means the area added to the existing borough by this Act:

"The borough" means the municipal borough of Bolton as extended by this Act:

"The corporation" means the mayor, aldermen, and burgesses of the borough:

"The council" means the council of the borough:

"The town clerk," "the treasurer," "the surveyor" respectively mean the town clerk, the treasurer, and the surveyor of the borough:

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

"The local board" means the local board of health for the district of Halliwell:

"Rural sanitary authority" means the rural sanitary authority for the Bolton Union:

"District rates" means the district rates by this Act authorised to be levied:

"District funds" means the district funds by this Act constituted:

"Water revenue" means all net moneys (other than borrowed moneys) received for or in relation to a supply of water:

"Gas revenue" means all net moneys (other than borrowed moneys) received for or in relation to the manufacture and supply of gas:

"Water rents" includes water rates:

"Sanitary purposes" means and includes the making and maintaining of streets and highways, private improvements, lighting, scavenging, sewerage, prevention of nuisances, the preservation of the health and the improvement of the borough, and the powers of the Corporation in relation to the River Croal and other streams:

"Sanitary expenses" means expenses incurred for sanitary purposes:

"Court of summary jurisdiction" means any justice or justices of the peace, stipendiary or other magistrate or officer by whatever name called to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to:

"Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facili-
" tate the performance of the duties of justices of the peace
" out of sessions within England and Wales with respect to
" summary convictions and orders," and any Act amending the same:

"The Public Health Act" means "The Public Health Act, 1875," and any Act amending the same:

"The Municipal Corporations Acts" means the Act of the session of the fifth and sixth years of King William the Fourth, "To provide for the regulation of municipal
" corporations in England and Wales," and Acts amending the same, or otherwise relating to municipal corporations in England:

"The Education Act" means "The Elementary Education Act, 1870," and any Act amending the same:

"Cart" means any vehicle used for the conveyance of any goods, merchandise, parcels, or chattels:

A.D. 1877.

"Carriage" means any vehicle used for the conveyance of persons:

In "The Railways Clauses Consolidation Act, 1845," for the purposes of this Act,—

The expressions "the railway" and "the work" respectively mean the road, the sewer, and the bridge by this Act authorised:

Terms to which meanings are assigned in enactments incorporated with this Act, or which have therein special meanings, have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in this Act and (for the purposes of this Act) in enactments incorporated with this Act,—

The expressions "court of competent jurisdiction," "superior courts," or any other like expression, shall have effect as if the debt or demand with respect to which the expression is used was a common simple contract debt, and not a debt or demand created by statute, and shall include any court of competent jurisdiction.

Local board dissolved, &c.

4. The local board are hereby dissolved, but nothing in this section shall affect any right, title, obligation, or liability acquired or accrued before the passing of this Act, or any remedy or proceeding in respect thereof, and the same may be enforced and carried on by or against the Corporation instead of by or against the local board, as the case may require, as if this section had not been enacted, and as if the Corporation instead of the local board, as the case may be, had been parties or privy thereto.

Part of district of local board not added to borough added to district of rural sanitary authority.

5. Such part of the district of the local board as is not comprised in the added part of the borough is hereby added to and shall henceforth form part of the district of the rural sanitary authority, in like manner as if at the passing of the Public Health Act such part had not been comprised in the district of a local board.

Property of local board, &c. transferred to Corporation.

6. Subject to the provisions of this Act, all lands, pipes, meters, lamps, lamp-posts, works, erections, buildings, rights, privileges, powers, duties, liabilities and easements, moneys, securities, deeds, contracts, agreements, papers, books, plans, property, chattels, choses in action, effects, claims and demands, rights and remedies whatsoever which immediately before the passing of this Act were vested in the local board or any person on their behalf, or of or to which the local board or any person on their behalf were seised, possessed, or entitled, either at law or in equity, or otherwise howsoever, shall be and the same are hereby vested in the Corporation to the same extent and for the same estate and interest as the same

respectively were at the time of the passing of this Act vested in the local board or any person on their behalf, and may be held, recovered, used, and enjoyed, and shall be undertaken, exercised, and performed accordingly.

Connexion with existing sewers in Halliwell.

7. The Corporation shall forthwith after the passing of this Act connect the sewers of the Halliwell district now existing in Halliwell New Road, Derby Street (Brownlow Fold), and Chorley Old Road with the main sewers of the Corporation nearest thereto respectively, but no charge shall be made against or upon the Halliwell district for the use of the sewers of the Corporation in the central district, or in respect of the original cost of such sewers.

Conveyances, &c. to remain in force.

8. Subject to the provisions of this Act, all conveyances, leases, deeds, appointments, contracts, agreements, mortgages, bonds, covenants, securities, orders, notices, resolutions, and proceedings made or entered into before the passing of this Act, to, with, in favour of, or by, for, or on behalf of the local board, as the case may be, or any person on their behalf, and now in force, shall be and remain as good, valid, and effectual in favour of, against, and with reference to the Corporation, and may be proceeded on and enforced in like manner to all intents and purposes as if this Act were not passed, or as if the Corporation instead of the local board, as the case may be, had been party or privy thereto.

Actions, &c. not to abate.

9. Any action, suit, prosecution, or other proceedings whatsoever commenced either by or against the local board before the passing of this Act shall not abate or be discontinued or prejudicially affected by this Act, but on the contrary may be maintained, prosecuted, or continued by, in favour of, or against the Corporation in like manner to all intents and purposes as if this Act were not passed, or as if the Corporation instead of the local board were parties to such action, suit, prosecution, or proceeding.

Rates due at passing of Act to be recoverable.

10. All rates, tolls, dues, rents, and moneys which immediately before the passing of this Act are due and payable or accruing due and payable to the local board shall from and after the passing of this Act be payable to and may be collected and recovered by the Corporation in like manner as any rates under this Act may be collected and recovered by them: Provided that the net moneys received or to be received on account of the general district rate made by the local board before and current at the passing of this Act, and on account of the arrears of any general district rate made by such board before the passing of this Act, shall be apportioned as follows; (that is to say,)

(1.) So far as relates to the part of such rate which is made for or applicable to the repair of highways between the Cor-

A.D. 1877.

poration and the surveyor of highways for the part of the said township of Halliwell which is not added to the borough, in proportion to the respective rateable values of the parts of the said township respectively included within and excluded from the added part of the borough; and

(2.) So far as relates to the remaining parts of such rate between the Corporation and the rural sanitary authority in such proportion as they shall agree, or as, in default of agreement, shall be determined by the Local Government Board, and from and after such apportionment all sums owing in respect of such portion of the said rate allocated to the rural sanitary authority as shall not then have been paid may be collected and recovered as though such sums were owing by virtue of a precept of the rural sanitary authority.

As to debt of local board.

11. The mortgage debt of the local board shall be apportioned between the rural sanitary authority and the Corporation in proportion to the respective amounts expended by the local board on permanent works in the portions of their district respectively included within and excluded from the borough in respect of which works the said mortgage debt has been incurred; and in the event of any disagreement with respect to the accuracy of such apportionment, the same shall be determined by the Local Government Board.

Debts due to and by the local board to be paid to and by the Corporation.

12. All persons who immediately before the passing of this Act owe any sum of money to the local board, or to any person on their behalf, shall pay the same, with all interest (if any) due or to accrue due for the same, to the Corporation; and subject to the provisions of this Act, all debts and moneys which immediately before the passing of this Act are due or owing by or recoverable from the local board, or for the payment whereof the local board are or but for this Act would be liable, shall be paid, with all interest (if any) due or to accrue thereon, by or be recoverable from the Corporation.

Regulations, &c. to remain in force.

13. All byelaws, rules, regulations, notices, and orders made by the local board under any Act of Parliament, and in force on the passing of this Act, may be repealed, altered, or varied as if they had been made under the powers of "The Public Health Act," and shall continue in full force in the added part of the borough until the same be so repealed, altered, or varied; and such byelaws, rules, regulations, notices, orders, and all penalties and forfeitures thereby respectively imposed, shall be enforced, recovered, and applied in like manner and in all respects as the same respectively might be enforced, recovered, and applied in case the same had been made and imposed respectively by or under that Act.

Books to be evidence.

14. All books and other documents directed or authorised to be kept by the local board by any Act of Parliament, and which at the passing of this Act would be receivable in evidence, shall, notwithstanding the dissolution of the local board, be admitted as evidence before all judicial tribunals and elsewhere accordingly.

Audit of local board accounts.

15. The accounts of the local board up to the time of the passing of this Act shall be audited by the proper officer of the Local Government Board in like manner and subject to the like right of appeal as if this Act had not been passed.

Compensation to officers of local board.

16. The Corporation may, if they think fit, make compensation to every or any officer or servant who by reason of the dissolution of the local board shall be wholly or in part superseded and rendered unnecessary, or who shall at any time within the space of five years next after the passing of this Act be removed from office or service, and not be employed in any office or service of equal value under the Corporation, or who by reason of the extension of the borough shall be deprived of any portion of the salary, profits, or emoluments of his office or service, and any such officer or servant may at any time within six months after the passing of this Act apply to the Corporation in writing under his hand to make him such compensation, and such application shall be accompanied by a statutory declaration stating the nature and tenure of his office or service, the date and mode of his appointment, and the salary, profits, and emoluments derived therefrom by him and his predecessors therein for every year during a period of five years next before the passing of this Act; and if the compensation so claimed by him be refused or not granted within three months after the receipt of such application, he may apply to the Local Government Board, who shall determine whether he be entitled to any, and if to any, to what compensation, and may make such order in the matter as they may think fit, and the Corporation shall pay any compensation which may be awarded by the Local Government Board at such time or times and in such manner as they by their order may direct.

Compensation to clerk to justices.

17. The Corporation shall compensate the holder of the offices of clerk to the justices for the petty sessional division of Bolton in the county of Lancaster, and clerk to the licensing justices for the same petty sessional division, in respect of his loss of part of the emoluments of office by reason of the passing of this Act, having regard to the portions of that division added to the existing borough and to the population included in such portions, and the holder of such offices may at any time within six calendar months after the passing of this Act apply to the Corporation in writing under his hand to

A.D. 1877.

make to him such compensation, and such application shall be accompanied by a statutory declaration stating the emoluments derived from each of such offices by him for every year during a period of three years next before the passing of this Act, and the proportion of such emoluments which he apprehends that he will lose by reason of this Act, and the amount of compensation claimed by him; and, if the compensation so claimed by him be refused or not granted within three months after the receipt of such application, may apply to the Local Government Board, who shall determine the amount of such compensation, and the Corporation shall pay such compensation as shall be awarded by the Local Government Board in one sum, or by way of annuity, and in such manner as they by their order may direct.

Extension of borough.

18. The borough shall comprise the district described in the First Schedule to this Act.

As to transfer of rights &c. of local board.

19. Where by this Act any rights, privileges, or authorities hitherto vested in or exerciseable by the local board are vested in or transferred to the Corporation, or purport so to be, the same shall in all cases vest in or be exerciseable by the Corporation with respect to such part only of the township of Halliwell as is by this Act included within the borough.

Authority of Corporation, &c. extended.

20. Subject to the provisions of this Act, all the real and personal property at the passing of this Act vested in the existing Corporation or council in any capacity for the benefit of the existing borough are hereby vested in the Corporation, but subject to all debts, liabilities, interests, and obligations affecting the same or any part thereof, or the existing Corporation or council in respect thereof; and all the powers, rights, privileges, authorities, immunities, and duties of the existing Corporation as a municipal body, and of the existing council and any committee thereof, and of the existing Corporation acting in the execution of such of the provisions of their former Acts as were at the passing of this Act in force within the existing borough, and of the existing Corporation acting by the council or any committee thereof as the urban sanitary authority for the district of the existing borough, and as the burial board for the existing borough, and of all officers and servants of the existing Corporation, shall extend to and throughout the borough; and all enactments at the passing of this Act applicable to the existing borough shall, subject to the provisions of this Act, extend and apply to the borough.

Jurisdiction, &c. of borough justices.

21. The jurisdiction, powers, authorities, rights, privileges, and duties of the recorder and of the clerk of the peace and of the

coroner for the existing borough, and of the justices of the peace appointed for the existing borough, and of the clerk to such justices, whether acting in petty sessions or out of sessions, or otherwise, and of all constables of the existing borough, shall extend to and throughout the borough.

Extension of school board district.

22. For the purposes of the Education Act the following provisions shall have effect; (that is to say,)

(1.) The members of the school board for the existing borough who shall be in office at the passing of this Act shall be deemed to have been elected for the borough, and subject to the provisions of the Education Act that school board shall be the school board for the borough:

(2.) All the officers of the school board for the existing borough shall become the officers of the school board for the borough:

(3.) All byelaws of the school board for the existing borough shall apply to the borough.

Wards, &c. in extended borough.

23. The borough shall be divided into nine wards, having the names and boundaries set forth and described in Part I. of the Second Schedule to this Act, and the regulations in Part II. of the same schedule respecting the number, elections, and rotations of aldermen and councillors, and other matters, shall have effect: And whereas the making out of the ward lists in alphabetical order in wards comprising more than one parish or township, or parts of different parishes or townships, is attended with delay and difficulty: Therefore in any ward which comprises more than one parish or township, or parts of different parishes or townships, the names of the persons entitled to be placed in such ward lists shall be so placed alphabetically in respect of each of such parishes or townships, or parts of such parishes or townships, instead of alphabetically in respect of the whole of such ward.

Saving for 22 Vict. c. 35. (*Pub.*)

24. Notwithstanding anything in this Act, the provisions of "The Municipal Corporation Act, 1859," (relating to the divisions of boroughs into wards,) and of any enactment substituted for or amending the same, shall continue to apply to the borough.

Deposit of borough and ward plans.

25. The borough plan and ward plan mentioned in the First and Second Schedules to this Act, signed in duplicate by the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, shall within one week after the passing of this Act be deposited at the Private Bill Office of the House of Commons and with the town clerk at his office.

Copies of deposited borough plan

26. Copies of the said borough plan and ward plan deposited with the town clerk, or any extract therefrom, certified by him to

A.D. 1877.

and ward plan to be evidence.

be true, shall be received by all courts of justice or elsewhere as primâ facie evidence of the contents of such plans, and such plans shall at all reasonable times be open to the inspection of the persons liable to rates imposed by the Corporation, and all persons so liable shall be entitled to a copy of or extract from such plans, certified by the town clerk, on payment of a reasonable fee for every such copy or extract.

Arrears of rates.

27. Subject to the provisions of this Act, all arrears existing at the passing of this Act of rates leviable within the added part of the borough may be levied and collected as if this Act had not been passed.

Provisions as to highways in Halliwell.

28. With respect to highways (not being turnpike roads) in the township of Halliwell, the following provisions shall from and after the passing of this Act have effect; (that is to say,)

(1.) The part of that township added to the borough is referred to as "the included part," and the part not so added as "the excluded part":

(2.) The highways within the included part shall be exempt from the jurisdiction of every road authority other than the Corporation:

(3.) All lands, houses, and hereditaments within the included part shall (subject to the provisions of this Act) be exempt from all highway rates:

(4.) The excluded part shall for all purposes connected with highways, surveyors of highways, and highway rates, be considered and treated as a township maintaining its own highways.

As to county and hundred bridges.

29. The Corporation and the justices of the peace for the county of Lancaster acting in and for the hundred of Salford in quarter sessions assembled may from time to time enter into and carry into effect a contract or contracts with respect to the control, maintenance, repair, and renewal in perpetuity of all or any of the county and hundred bridges within the borough, and of the approaches thereto, whether within or without the borough, and of the portions of the public roads within the borough to the repair of which the inhabitants of the said county of Lancaster and of the said hundred of Salford, or either of them, are respectively at present liable, and with respect to the annual or other sums to be contributed by the said inhabitants of the said county or hundred, or either of them respectively, in or towards such purposes or any of them, and the Corporation are hereby authorised and empowered to undertake the exclusive control, maintenance, repair, and renewal of such bridges and portions of roads respectively in conformity with any such

contract or contracts, and to apply their corporate funds to such purpose.

Tolls not to be collected on roads in borough after 1st November 1877.

30. Notwithstanding anything to the contrary in any other enactment, the trustees of any turnpike road within the added part of the borough may, until and inclusive of the first day of November one thousand eight hundred and seventy-seven, exercise any of their powers for the time being in force for the collection of tolls in respect of any road within the limits of the borough in the same manner as if this Act had not been passed, but from and after that day no tolls shall be collected within the borough in respect of any turnpike road, and that part of every such road which is within the borough shall cease to be a turnpike road, and all liability of the trustees within whose district such part is situate, with regard to such part and the repair thereof, shall at that date cease and determine, and such part shall thenceforward be a highway, and vested in and repairable by the Corporation accordingly.

Limits of Act.

31. This Act, except where otherwise expressed or implied, shall apply exclusively to the borough.

Act to be executed by council.

32. Subject to the provisions of this Act, this Act shall be carried into execution by the Corporation acting by the council, and according to the Municipal Corporations Acts, Public Health Act, and the Burial Acts respectively, and other Acts for the time being affecting the Corporation as a municipal body, sanitary authority, and a burial board respectively, and with all the rights, powers, privileges, exemptions, and authorities conferred by those Acts respectively 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 before-mentioned Acts respectively, and as nearly as may be in all respects as if the powers, duties, exemptions, 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 those Acts respectively.

Abandonment of construction of road in Turton.

33. The Corporation may abandon the construction of the road in the said township of Turton authorised to be constructed by the Act of 1864, and leading from the westerly end of the embankment of the Wayoh Reservoir to Chapeltown Lane.

Compensation for damage to land by entry, &c. for purposes of works abandoned.

34. The abandonment by the Corporation, under the authority of this Act, of any portion of any works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Corporation on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out of the

A.D. 1877.

works, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Corporation to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in "The Railways Clauses Consolidation Act, 1845," or the Act of 1864.

Compensation to be made in respect of works abandoned.

35. Where before the passing of this Act any contract may have been entered into or notice given by the Corporation for the purchasing of any land for the purposes of or in relation to any portions of the works authorised to be abandoned by this Act, the Corporation shall, if they abandon the construction of the said road, be released from all liability to purchase or to complete the purchase of any such lands; but, notwithstanding, full compensation shall be made by the Corporation to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice; and the amount and application of the compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," as amended by any subsequent Act, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Power to make waterworks, &c.

36. Subject to the provisions of this Act, the Corporation may make and maintain, in the lines or situations and according to the levels shown on the deposited plans and sections, the works shown on the deposited plans, among which are comprised the following works wholly in the county of Lancaster; (that is to say,)

(A.) A road wholly in the said township of Turton, commencing at the westerly end of the embankment of the Wayoh Reservoir, and terminating by a junction with Chapeltown Lane on land fronting thereon, and belonging or reputed to belong to the Corporation, at a point in that lane situate fifteen and a quarter chains or thereabouts north of the Cheetham Arms Inn:

(C.) The widening and improving of Mealhouse Lane in the township of Great Bolton on the west side thereof for a distance of eleven yards, measured in a northerly direction, from the north corner of Back Hotel Street:

(D.) The widening and improving of a new street in the township of Little Bolton from Grime Street to Saint Helena Road for a distance of nineteen yards on the east side of such

new street, measured in a southerly direction, from Saint Helena Road:

(E.) A new street wholly in the said township of Little Bolton, commencing at the north-west end of Mere Hall Street, and terminating by a junction with the south-east end of John Street, Brownlow Fold:

(F.) A road partly in the said township of Little Bolton and partly in the township of Heaton, commencing in the said township of Little Bolton by a junction with Park Road at a point therein one hundred and ninety-five yards or thereabouts (measured along the centre of that road) north-west of Mayor Street Bridge, and terminating in the said township of Heaton at a point on the west side of Gilnow Brook two hundred and fifteen yards or thereabouts, measured along the course of that brook, from the point where it is crossed by the Bolton and Preston Railway:

(I.) A sewer wholly in the townships of Great Lever and Darcy Lever, commencing in the said township of Great Lever by a junction with a sewer to be made by the Corporation at the point where the boundary of the existing borough is intersected by a footpath leading from the Burnden Bleach-works to the Raikes Bleach-works, and terminating in the said township of Darcy Lever at a point in an occupation road leading from Hacken Lane to an estate commonly called Foggs, situate three hundred and fifty-eight yards measured along the said road from its junction with Hacken Lane:

(K.) A bridge across the River Croal (to form an access to the lands proposed to be acquired by the Corporation for sewage purposes), with all necessary approaches, partly in the township of Great Lever and partly in the township of Darcy Lever, commencing out of the road from Manchester Road to Great Lever Bleach-works, known as Smith's Road, at a point in Smith's Road which is situate one hundred and sixty yards or thereabouts south-east of the footbridge over the said river to Hacken Colliery, and terminating in the said land proposed to be acquired by the Corporation for sewage purposes thirty yards from the north-east bank of the said river, and one hundred and sixty yards from the said footbridge:

Together with all necessary or convenient cuttings, embankments, piers, bridges, arches, conduits, tunnels, dams, piling, roadways, pavements, footways, sewers, drains, apparatus, approaches, works,

A.D. 1877.

and conveniences in connexion with the said works, or any of them: Provided that the Corporation shall not construct the before-mentioned works in the said township of Turton unless they abandon the construction of the said road authorised by the Act of 1864.

Limits of lateral and vertical deviation.

37. In the construction of the several works authorised by this Act, the Corporation may, save as in this Act is otherwise expressly provided, deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation indicated thereon, and beyond those limits with the consent of the persons through whose lands any such deviation is proposed to be made; and where in any road no such limits are shown the boundaries of such road shall be deemed to be such limits, and they may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or three feet downwards.

Power to make subsidiary works.

38. Subject to the provisions of this Act, and within the limits defined on the deposited plans, the Corporation, in connexion with the said works and improvements by this Act authorised, or any of them, and for the purposes thereof, may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the said works or improvements, or any of them, and may raise, lower, or alter any vault, arch, cellar, or area under or adjoining any roadway or footway, and may make diversions, widenings, or alterations of lines or levels of any existing streets for the purpose of connecting the same with the said works or improvements, or any of them, or of crossing under or over the same, or any of them, or otherwise: Provided always, that the Corporation shall make to the owners and occupiers of and all other parties interested in any lands or houses injuriously affected by any such interference or alteration full compensation for all damage sustained by them, or any of them.

Power to alter pipes, &c.

39. In executing the works by this Act authorised, the Corporation may raise, sink, or otherwise alter the position of any sewer, drain, water pipe, or gas pipe belonging to or connected with any building adjoining or near to the site of any such work, and also any pipe, tube, wire, or apparatus laid down or used for telegraphing or other purposes, and may remove any other obstruction, causing as little detriment and inconvenience as circumstances admit, and making reasonable compensation for damage caused by the execution of the powers of this enactment.

Temporary stoppage of streets.

40. The Corporation may from time to time stop up any street, road, or court, and prevent all persons from passing along and

using the same for any reasonable time during the execution of any work by this Act authorised. A.D. 1877.

Time for completion of works.

41. If the works shown on the deposited plans and authorised by this Act be not completed within seven years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Corporation for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Time for completion of street in Little Bolton.

42. The new street to be constructed in the township of Little Bolton, being work E. by this Act authorised, shall be completed and opened for public use within three years from the passing of this Act.

Compensation by Corporation to Postmaster General, and penalty.

43. The Corporation shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Corporation by any work or thing executed or done by them under the powers of this Act interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Corporation shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Corporation to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Corporation.

Streets disused vested in Corporation.

44. Where any street or ground abutting on any street and dedicated to public use or open to the passage of the public becomes, in consequence of the execution by the Corporation of any new streets or street improvements shown on the deposited plans and authorised by this Act, no longer required for public use or for approach to any property adjoining the same, the same is hereby vested in the Corporation freed and discharged from the public use thereof: Provided that if any land be injuriously affected by such street or ground being so vested in the Corporation they shall make to the owner and occupier of such land compensation therefor.

Elevation of buildings fronting streets to be as Corporation approve.

45. All buildings from time to time erected in such part of any street shown on the deposited plans as shall have been made, widened, extended, or improved under the powers of this Act, and every building, any external wall of which shall be altered to the

A.D. 1877.

extent of one half thereof to or towards the front of such part of such street, shall be erected or altered in such line to the street, and in accordance with such elevation fronting to or towards the street as the Corporation appoint or approve; and if the owner, lessee, or occupier of any building or land which on the making of any such new street, or on the widening, extending, or improving of any such street, acquires a frontage to the street make any door or entrance opening upon or communicating with the street, or any wall or fence by the side of the street, every such owner, lessee, or occupier shall make the building, wall, or fence in a line and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Corporation.

The Corporation shall pay or tender compensation to the owner or lessee of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building, wall, or fence.

For the protection of the Right Honourable the Earl of Bradford,&c.

46. For the protection of the estates from time to time subject to the subsisting uses of the last will and codicils thereto of the Right Honourable George Augustus Frederick Henry late Earl of Bradford, deceased, which were proved in the Principal Registry of Her Majesty's Court of Probate on the thirty-first day of July one thousand eight hundred and sixty-five, or to the subsisting uses of any re-settlement of such estates, the following provisions shall take effect; (that is to say,)

(1.) Nothing in this Act shall be construed to interfere with any existing right of the person or persons for the time being entitled to the receipt of the rents and profits of the said settled estates (herein-after sometimes referred to as the said landowner or landowners) to continue to supply with water the houses within the existing borough which the Right Honourable Orlando George Charles Earl of Bradford, who claims to be the person now entitled to the receipt of the rents and profits of the said settled estates, now supplies with water for such purposes as those for which he now supplies such houses rsepectively, and to maintain and renew the pipes and other apparatus now used by the said Orlando George Charles Earl of Bradford for such supply, and to continue or extend any existing supply of water, or to commence any new supply of water for any purposes whatever to any part or parts of such of the said settled estates as are outside the existing borough, and situate within a radius of three miles as the crow flies of Bolton Town Hall, and the Corporation shall not do or cause to be done any act or thing whereby the said land-

owner or landowners shall be prevented for the purposes of such supply from laying, maintaining, and renewing any pipes or other apparatus in any roads in which the Corporation by any Act of Parliament has already acquired or shall hereafter acquire any interest: Provided that the said landowner or landowners shall for the purpose of such laying, maintaining, and renewing of pipes be subject to the restriction of "The Waterworks Clauses Act, 1847," with respect to the breaking up of streets for the purpose of laying of pipes:

(2.) In making the sewer by this Act authorised the Corporation shall (unless the landowner or landowners, and his or their lessees or tenants, of the land through which the same will pass shall otherwise consent) carry the same along the centre line of such sewer as laid down on the deposited plans, or as near thereto as is reasonably practicable, and such sewer, where the same passes through any lands of the said landowner or landowners, shall be constructed in every respect to his or their reasonable satisfaction, and to the reasonable satisfaction of his or their lessees or tenants, and if any difference shall arise between the Corporation and the said landowner or landowners, or his or their lessees or tenants, or any of them, with reference to the construction thereof the same shall be referred to and determined by an engineer to be appointed, on the application of any of the parties, by the President for the time being of the Institution of Civil Engineers, and in all respects at the cost of the Corporation:

(3.) The Corporation shall, in the execution of any works which they shall carry out in pursuance of this or any other Act, use their utmost endeavours to avoid abstracting from any of the said settled estates any water which they may meet with therein, and in particular will, so far as reasonably practicable, restore any spring or other water which shall be tapped, or the flow of which shall be altered or disturbed in the construction or maintenance of such sewer or works, to the channels from whence the same shall be diverted by the execution of such works:

(4.) Notwithstanding anything in this Act contained, it shall not be lawful for the Corporation by means of any sewer or sewage or drainage works to be by them constructed to divert any water which now flows into the River Croal above the existing weir of the Burnden Bleach-works or

A.D. 1877.

into the River Lever above the existing weir (commonly known as Glover's Weir) of the Great Lever Bleach-works, except so far as shall be necessary in the construction and user of the sewer by this Act authorised, and of the sewage works to be constructed and maintained on the lands mentioned in Part IV. of the Third Schedule to this Act; and in the event of the Corporation diverting any water they shall yearly and every year compensate in manner hereafter mentioned the said landowner or landowners, and his and their tenants of the Burnden Bleach-works, the Raikes Bleach-works, and the Great Lever Bleach-works respectively for any loss of power which shall be sustained at such bleach-works respectively by reason of the diversion of the water which the Corporation shall divert from the before-mentioned bleach-works respectively by means of the sewer by this Act authorised, or of the sewage works to be so constructed and maintained as aforesaid; the compensation in respect of the Burnden Bleach-works shall be paid to the present tenant thereof, his executors, administrators, or assigns, during the present tenancy thereof; and the compensation in respect of the said Raikes Bleach-works shall be paid to the present tenant thereof, his executors, administrators, or assigns, during the present tenancy thereof; and the compensation in respect of the said Great Lever Bleach-works shall be paid to the present tenant thereof, his executors, administrators, or assigns, during the present tenancy thereof; and subject thereto the said compensations shall be paid to the said landowner or landowners:

(5.) The Corporation shall not purchase any land belonging to the said landowner or landowners, and which may be required for the construction and maintenance of the said sewer, but shall only purchase easements in such land for making, maintaining, and using such sewer, and otherwise shall not purchase by compulsion any hereditaments forming part of the said settled estates, otherwise than under the Lands Clauses Consolidation Acts, 1845, 1860, and 1869:

(6.) The Corporation shall, within three years after the passing of this Act, make across the River Croal at the point near Glover House in Great Lever aforesaid, indicated on the deposited plans and in accordance with the deposited sections, a stone or an iron bridge at least ten yards wide, and with a footpath at least two yards wide on each side,

and with proper access on each side connecting it with the land of the said landowner or landowners, and shall for ever thereafter maintain such bridge and accesses, and permit the said landowner or landowners, and his or their tenants, and all persons authorised by them or him to use such bridge for all purposes connected with the enjoyment of any of the said settled estates.

For the protection of Thomas Cross and Company.

47. For the protection of James Percival Cross, Herbert Cross, and Alfred Cross, or other the person or persons for the time being trading under the style of Thomas Cross and Company, and other the owners for the time being of Mortfield Bleach-works within Halliwell in the county of Lancaster, their heirs, sequels in estate, executors, administrators, or assigns, (all of whom are hereafter included in the expression "Thomas Cross and Company,") the following provisions shall, notwithstanding anything in this or any other Act affecting the Corporation contained, have effect; (that is to say,)

(1.) Thomas Cross and Company may exercise and enjoy as and when they shall think fit all the rights to which they are now entitled on, over, or under the road from the Chorley Old Road through their works aforesaid to Brownlow Fold, and that whether the same shall or shall not hereafter be or be declared a public highway, and particularly the right of laying, maintaining, and renewing therein and thereunder or at a height of not less than sixteen feet thereover any line or lines of pipes or conduits which they shall think fit, and also of erecting and maintaining any bridge or bridges, road or roads, or other works over the said road, or any part thereof: Provided that they do not thereby cause any permanent obstruction or impediment to the use of such road by any person having the legal right to use the same, and subject also to the following provisions; (that is to say,)

(A.) Thomas Cross and Company shall, in the laying, maintaining, and renewing of such pipes or conduits, be subject to the provisions of "The Waterworks Clauses Act, 1847," with respect to the breaking up of streets for the purpose of laying pipes; and in construing those provisions for the purposes of this section the undertakers shall mean the said Thomas Cross and Company;

(B.) Every such bridge shall have a clear height from the surface of the road crossed thereby to the under-

A.D. 1877.

side of such bridge of not less than sixteen feet throughout the entire length and width thereof, and the level of such road shall not be altered, except with the previous consent in writing of the Corporation, and every such bridge shall be constructed, and every such road interfered with shall be reinstated, to the reasonable satisfaction of the surveyor, and as to such road within such period as he shall reasonably require:

(2.) Subject and without prejudice to the rights of any other person or persons, Thomas Cross and Company shall have full power to take and impound for their own use all the front street and surface water now or hereafter draining from all lands and houses on lands situate within the watershed shown on a plan signed by Joseph Jackson, on behalf of Thomas Cross and Company, and the surveyor, on behalf of the Corporation, and thereon coloured red, the flow of which naturally drains towards the reservoirs of Thomas Cross and Company; and the Corporation, before they commence to execute any sewerage works within that watershed, shall give notice thereof to Thomas Cross and Company, and shall, if required by them within fourteen days after such notice so to do, so lay the front street drains and so connect the same that they shall drain into the main drain lately made or any main or other drain hereafter to be made by Thomas Cross and Company to carry such water into their reservoirs, or if no such main or other drain shall be made, then into the natural channels and streams into which such surface water now drains, and the Corporation shall not at any time connect such drains with the common sewers, or permit any sewage to pass into such drains, channels, or streams: Provided always, that in so far as the costs incurred by the Corporation in carrying into effect the provisions of this section exceed the costs they would necessarily incur in sewering the said front street, lands, and houses, such extra costs (the amount whereof shall in case of difference be determined by the Local Government Board) shall be paid by Thomas Cross and Company on demand to the Corporation. The said plan shall, within two weeks after the passing of this Act, be deposited with the clerk of the peace for the county of Lancaster, and shall be kept with and as a part of the deposited plans.

A.D. 1877.

For the protection of Charles Taylor and Brothers.

48. For the protection of Charles Taylor, Francis Taylor, and William Taylor, or other the person or persons for the time being trading under the style of Charles Taylor and Brothers, and other the owners for the time being of Croft Mill within Halliwell in the county of Lancaster, their heirs, sequels in estate, executors, administrators, or assigns, (all of whom are hereafter included in the expression "Charles Taylor and Brothers,") the following provisions shall, notwithstanding anything in this or any other Act affecting the Corporation contained, have effect; (that is to say,)

(1.) Charles Taylor and Brothers may exercise and enjoy as and when they shall think fit all the liberties, water rights, and privileges to which they are now entitled on, over, or under certain plots of land in Halliwell by virtue of an indenture dated the fourteenth day of February one thousand eight hundred and fifty-five, and made between Mary Boardman of the first part, John Eskrick of the second part, Ann Eskrick of the third part, the Reverend William Preston Hutton, clerk, of the fourth part, and Richard Harwood and James Taylor of the fifth part, subject to the following provisions; that is to say,

(A.) Charles Taylor and Brothers shall, in the laying, maintaining, and renewing of any pipes or conduits, be subject to the provisions of "The Waterworks Clauses Act, 1847," with respect to the breaking up of streets for the purpose of laying pipes; and in construing those provisions for the purposes of this section the undertakers shall mean Charles Taylor and Brothers;

(B.) The level or surface of any street or road shall not be altered, except with the previous consent in writing of the Corporation, and every such street or road interfered with shall be reinstated to the reasonable satisfaction of the surveyor within such period as he shall reasonably require:

(2.) Subject and without prejudice to the rights of any other person or persons, Charles Taylor and Brothers shall have full power to take and impound for their own use all the front street surface water now or hereafter draining from all lands and houses on lands situate within the watershed shown on a plan signed by Charles Taylor and Brothers and the surveyor on behalf of the Corporation, and thereon edged yellow, the flow of which naturally drains towards the reservoirs of Charles Taylor and Brothers; and the Corporation, before they commence to execute any main sewerage works within that watershed, shall give notice thereof to

A.D. 1877.

Charles Taylor and Brothers, and shall (if required by them within twenty-eight days after such notice so to do) so lay drains in the front streets and so connect the same that they shall drain into the main drain lately made, or any main or other drain hereafter to be made by Charles Taylor and Brothers to carry such waters into their reservoirs, or if no such main or other drain shall be made, then, where practicable, into the natural channels and streams into which such surface water now drains, and the Corporation shall not at any time connect such drains with the common sewers, or permit any sewage to pass into such drains, channels, or streams: Provided always, that in so far as the costs incurred by the Corporation in carrying into effect the provisions of this section exceed the costs they would necessarily incur in sewering the said front streets, lands, and houses, such extra costs (the amount whereof shall in case of difference be determined by the Local Government Board) shall be paid by Charles Taylor and Brothers on demand to the Corporation. The said plans shall, within two weeks after the passing of this Act, be deposited with the clerk of the peace for the county of Lancaster, and shall be kept with and as a part of the deposited plans.

For protection of Richard Harwood and Son.

49. For the protection of Richard and George Harwood, or other the person or persons for the time being trading under the style of Richard Harwood and Son, and other the owners for the time being of Brownlow Fold Mills within Halliwell in the county of Lancaster, their heirs, sequels in estate, executors, administrators, or assigns, (all of whom are hereafter included in the expression "Richard Harwood and Son,") the following provisions shall, notwithstanding anything in this or any other Act affecting the Corporation contained, have effect; (that is to say,)

(1.) Richard Harwood and Son may exercise and enjoy as and when they shall think fit all the liberties, water rights, and privileges to which they are now entitled on, over, or under certain plots of lands in Halliwell by virtue of an indenture dated the fourteenth day of February one thousand eight hundred and fifty-five, and made between Nary Boardman of the first part, John Eskrick of the second part, Ann Eskrick of the third part, the Reverend William Preston Hutton, clerk, of the fourth part, and Richard Harwood and James Taylor of the fifth part, subject to the following provisions; (that is to say,)

(A.) Richard Harwood and Son shall, in the laying, maintaining, and renewing of any pipes or

conduits, be subject to the provisions of "The Waterworks Clauses Act, 1847," with respect to the breaking up of streets for the purpose of laying pipes; and in construing those provisions for the purposes of this section the undertakers shall mean Richard Harwood and Son;

(B.) The level or surface of any street or road shall not be altered, except with the previous consent in writing of the Corporation, and every such street or road interfered with shall be reinstated to the reasonable satisfaction of the surveyor and within such period as he shall reasonably require:

(2.) Subject and without prejudice to the rights of any other person or persons, Richard Harwood and Son shall have full power to take and impound for their own use all the front street surface water now or hereafter draining from all lands and houses on lands situate within the watershed shown on a plan signed by Richard Harwood and Son and by the surveyor on behalf of the Corporation, and thereon edged pink, the flow of which naturally drains towards the reservoirs of Richard Harwood and Son; and the Corporation, before they commence to execute any main sewerage works within that watershed, shall give notice thereof to Richard Harwood and Son, and shall (if required by them within twenty-eight days after such notice so to do) lay drains in the front streets, and so connect the same that they shall drain into the main drain lately made or any main or other drain hereafter to be made by Richard Harwood and Son to carry such waters into their reservoirs, or if no such main or other drain shall be made, then, where practicable, into the natural channels and streams into which such surface water now drains, and the Corporation shall not at any time connect such drains with the common sewers, or permit any sewage to pass into such drains, channels, or streams: Provided always, that in so far as the costs incurred by the Corporation in carrying into effect the provisions of this section exceed the costs they would necessarily incur in sewering the said front streets, lands, and houses, such extra costs (the amount whereof in case of difference to be determined by the Local Government Board) shall be paid by Richard Harwood and Son on demand to the Corporation. The said plan shall, within

A.D. 1877.

two weeks after the passing of this Act, be deposited with the clerk of the peace for the county of Lancaster, and shall be kept with and as a part of the deposited plans.

Power for the Corporation to declare street a highway though not paved with setts.

50. Notwithstanding anything contained in this or any other Act affecting the Corporation, the Corporation may declare any street or road a highway under the provisions of section 152 of "The Public Health Act, 1875," although such street or road may not have been paved with setts: Provided that in all other respects such street or road shall have been formed, made, sewered, and channelled in conformity with the provisions of the said Acts, and shall have been metalled with macadam or asphalte or other hard substance to the satisfaction of the Corporation.

Section 85 of the Act of 1854 repealed.

51. Section eighty-five (Corporation to permit certain surplus water to flow into River Lever above junction with River Croal) of the Act of 1854 is hereby repealed.

Power to acquire additional water by agreement.

52. The Corporation, for the purpose of providing additional supply of water for domestic and trade purposes, may from time to time by agreement purchase or otherwise acquire any water or right to take or convey water.

Provisions as to fouling of water.

53. For the prevention of the pollution of reservoirs, streams, watercourses, and waters over which (for the purpose of affording a supply of water for domestic purposes) the Corporation for the time being have any powers of user, or in which for the same purpose they are for the time being interested, they shall have and may, if they think fit, from time to time exercise such and the like powers as may for the time being be exercised by any sanitary authority under any enactment for the prevention of the pollution of any watercourse or water within their jurisdiction, and the provisions of such enactment shall for the purpose aforesaid extend and apply, mutatis mutandis, to the Corporation.

Dwelling for valvesman.

54. The Corporation, on the land described in Part I. of the Third Schedule to this Act, may erect, fit up, and maintain a dwelling-house for the valvesman of the Wayoh Reservoir.

Owners, &c. of mines not to be liable for damage to mains.

55. And whereas there are within the townships within which the Corporation are authorised to supply water in bulk, or otherwise, extensive mines which cannot without great loss and inconvenience be worked subject to the restrictions of "The Waterworks Clauses Act, 1847:" Therefore any owner, lessee, occupier, and worker of any mines under lands in which any mains are or shall be laid for conveying water supplied by the Corporation shall not be liable for or to make good any damage occasioned to the mains conveying such water by the working in the usual and ordinary course of any of those mines.

Extension of gas limits.

56. The Corporation's gas limits are hereby extended so as to include the townships of Edgeworth, Quarlton, and Longworth in the parish of Bolton-le-Moors, and, subject to the provisions of this Act, the Corporation shall have and may exercise throughout those extended limits the same powers, rights, privileges, and authorities in respect of the supply of gas as at the passing of this Act they have and may exercise within their then existing gas limits.

Sale of portions of undertaking to sanitary authorities.

57. If at any time hereafter any urban sanitary authority shall be constituted within the said townships of Edgeworth, Quarlton, or Longworth, or any part or parts thereof, and such urban sanitary authority shall give not less than six months notice in writing to the Corporation of their desire to purchase that portion of the undertaking of the Corporation which is contained within their district, and shall have obtained the consent of the Local Government Board to such purchase, it shall be lawful for any such sanitary authority to apply to Parliament or the Local Government Board for power to purchase such portion of the undertaking of the Corporation, (except the mains and pipes or other apparatus which shall be necessary for supplying with gas any other part of the Corporation's limits of supply,) and to supply gas within such district, and if such powers be granted the Corporation shall sell, and such sanitary authority shall purchase, such portion of the undertaking of the Corporation (except as aforesaid) within the district of such sanitary authority at such price as shall be fixed, in default of agreement, by arbitration under the provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, and the Corporation shall apply the proceeds of any sale under this section in the same manner as they are required to apply moneys borrowed under the powers of this Act for gasworks purposes: Provided always, that no such authority shall be authorised until after the completion of such purchase to supply gas to any part of such district, and that after the completion of such purchase all obligation on the part of the Corporation to supply gas within such district shall cease and determine.

Pressure of gas.

58. All gas supplied by the Corporation to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch, and from sunset to midnight not less than eight tenths of an inch, in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer; and any gas examiner appointed under "The Gasworks Clauses Act, 1871," may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any

A.D. 1877.

local or road authority, and the provisions of "The Gasworks Clauses Act, 1871," with reference to testing of gas and to penalties, shall, mutatis mutandis, apply to such testing of pressure; and two hours previous notice shall be given to the Corporation of the time and place at which such testing shall be conducted.

Register of meter to be primâ facie evidence.

59. The register of the meter shall be primâ facie evidence of the quantity of gas consumed by any consumer supplied with gas by the Corporation, and in respect of which any sum of money is charged and sought to be recovered by the Corporation, and shall be conclusive evidence of such quantity, unless it be proved to the satisfaction of the court in which such proceedings are taken that the indications of such meter have been falsely taken, or that such meter is by practical testing by competent persons found defective and registering in excess.

Gas consumers to give notice to Corporation before removing.

60. Notice in writing shall be given to the Corporation by every gas consumer before he shall quit any premises supplied with gas by the Corporation, and by the trustee in bankruptcy of every such consumer who shall become bankrupt, immediately after his appointment, and in default of such notice the consumer so quitting, or the estate of the bankrupt whose trustees shall make such default, as the case may be, shall be liable to pay to the Corporation the moneys accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter in such premises.

Corporation to pay interest on money deposited as security for gas meter.

61. If any person be required by the Corporation to give to them security for the payment of the price or rent of a meter, the Corporation shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Power to Corporation to take lands referenced.

62. Subject to the provisions of this Act, the Corporation may enter on, take, and use such of the lands described in the deposited plans and book of reference as they may require for the purposes of this Act.

Correction of errors, omissions, &c.

63. If any omission, misstatement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands, described or intended to be described in the deposited plans or book of reference, the Corporation may apply to two justices, not being members of the council, for the correction thereof, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by the proposed correction, and if it appears to such justices that the omission, misstatement, or

erroneous description arose from mistake, they shall certify the same accordingly, stating the particulars of the omission, misstatement, or erroneous description, and such certificate shall be deposited with the clerk of the peace for Lancashire, and shall be kept by him with the other documents to which it relates, and subject and according to the same enactments and provisions as apply to those other documents, and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Corporation may enter on, take, hold, and use those lands accordingly.

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

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

Power to stop up footways.

65. The Corporation may discontinue and stop up any footways in or over any lands acquired by them under the powers of this Act and described in the deposited plans and book of reference, and thereupon all right of way over such footways shall be extinguished and the soil shall vest in the Corporation if and so far as they are the owners of the adjoining land on both sides.

Limitation of time for compulsory purchase of lands.

66. 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 the following periods from the passing of this Act; (that is to say,)

For the purposes of new roads or streets and road or street improvements, six years:

For all other purposes, three years.

A.D. 1877.

Power to acquire additional lands by agreement.

67. The Corporation may (in addition to the lands they are authorised to acquire and hold under the other powers of this Act) from time to time by agreement acquire in fee either by purchase or by way of exchange or otherwise any land not exceeding in the whole for waterworks purposes ten acres, and for sewage purposes ten acres, or any easement, power, or privilege therein, thereunder, thereover, or thereupon (not being an easement or privilege of water), which shall be deemed necessary by the Corporation, but the Corporation shall not deal with such lands so as to create a nuisance, nor shall they use for any building purpose unconnected with the waterworks any lands so purchased for the purposes thereof.

Consideration for such acquisition.

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

Power to take easements, &c. by agreement.

69. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands, may, if they think fit, subject to the 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.

Waterworks lands not to be used for buildings.

70. The Corporation shall not upon the land described in Part II. of the Third Schedule to this Act, and to be taken by them for waterworks purposes, construct any building unconnected with their waterworks.

For the protection of John Fogg Elliot.

71. For the protection of John Fogg Elliot and his sequels in estate, all of whom are included under the name of John Fogg Elliot when used in this section, the following provisions shall have effect; (that is to say,)

(1.) The Corporation shall not, except with the consent of John Fogg Elliot, enter upon, take, or use any of the lands described in Part II. of the Third Schedule to this Act, and belonging or reputed to belong to John Fogg Elliot, other than the following; that is to say,

A strip of land coloured pink on a plan signed by Joseph Jackson, on behalf of the Corporation, and James Fogg, on behalf of John Fogg Elliot, and

adjoining that part of the Wayoh Reservoir which is included between the letters A. and B. on that plan and a strip of land extending along so much of the remainder of the Wayoh Reservoir as is bounded by land belonging or reputed to belong to John Fogg Elliot, such strip to be of the average width of ten yards, measured from the boundary of the land adjoining the Wayoh Reservoir, and belonging or reputed to belong to the Corporation, but in no part to exceed the width of fifteen yards:

(2.) In order to fence off any land acquired by them under the powers of this Act and adjoining the Wayoh Reservoir, the Corporation shall erect and maintain an iron fence of such description and having such openings for affording access for John Fogg Elliot to such reservoir as he may reasonably require:

(3.) Nothing in this Act shall take away, lessen, prejudice, or interfere with the existing rights of John Fogg Elliot of fishing, fowling, and boating in and upon the Wayoh Reservoir, or any rights, privileges, and easements reserved in any indenture made between Alice Chadwick and John Fogg Elliot respectively and the Corporation:

(4.) John Fogg Elliot may erect and maintain a boat-house on the side of the Wayoh Reservoir in such position as may be agreed upon between him and the Corporation, or, in default of agreement, as may be settled by arbitration: Provided that the Corporation may at any time, and from time to time if necessary for the purposes of their water-works, remove at their own cost such boat-house to some other site upon the side of the Wayoh Reservoir to be agreed on, or, in default of agreement, to be determined by arbitration:

(5.) The road to be constructed in the township of Turton, being work A. by this Act authorised, shall be completed ready for use within two years from the passing of this Act:

(6.) If any difference arise between the Corporation and John Fogg Elliot touching anything to be done or not to be done under the provisions of this section, such difference shall be determined by a surveyor to be agreed on between John Fogg Elliot, and the Corporation, or, in default of agreement, to be appointed, on the application of either of the parties in difference, by the President for the time being of the Institution of Civil Engineers; and the costs

A.D. 1877.

of the arbitration shall be in the discretion of the arbitrator.

Sewage works.

72. The Corporation may from time to time upon the lands described in Part III. of the Third Schedule to this Act maintain, extend, alter, renew, or discontinue their existing sewage works, and upon the lands described in Part IV. of that schedule construct, extend, alter, renew, and maintain or discontinue additional sewage works, with all needful and convenient sewers, drains, culverts, pipes, engines, tanks, ponds, machinery, bridges, roads, and appliances for the receiving, storing, disinfecting, distributing, manufacturing, and otherwise dealing with the sewage of the borough, but the Corporation shall not deal with any of the lands in this section mentioned so as to create a nuisance.

Power to purchase buildings unfit for human habitation.

73. The Corporation, if they think fit, may purchase or otherwise acquire by agreement any building (including the site and appurtenances thereof) which or a part of which shall have been declared by them unfit for human habitation, or may give to the owner and lessee, or either of them, any sum or sums by way of compensation for such building or part of a building being so declared.

Corporation may use their own lands for purposes of Act.

74. The Corporation may from time to time appropriate and use for any of the purposes of this Act (other than sewage purposes) any lands for the time being vested in them and forming part of their corporate estates.

Power to retain, sell, &c.

75. Notwithstanding anything in "The Lands Clauses Consolidation Act, 1845," the Corporation may retain, hold, and use for such time as they may think fit, and may from time to time sell, lease, exchange, or otherwise dispose of in such manner, 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 of any payment in any other form any lands or any interest in any lands acquired by them under this Act or acquired or authorised to be acquired under or by virtue of any provisional order, and may make, execute, and do any deed, act, or thing proper for effectuating any such sale, lease, exchange, or other disposition.

Reservation of water rights, &c. on sale.

76. 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 make the sale subject to such reservations 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.

Proceeds of sale of surplus lands to be treated as capital.

77. The proceeds of the sale of any surplus lands of the Corporation under the powers of this Act shall be applied only to purposes to which capital moneys are applicable.

Lands in certain cases not to be sold without consent of Treasury.

78. Except as to lands acquired by the Corporation under this Act, nothing in this Act shall enable the Corporation to sell, alienate, encumber, or demise, without the approbation of the Commissioners of Her Majesty's Treasury signified in writing, after due notice in accordance with the Municipal Corporations Acts, any lands which the Corporation could not have sold, alienated, incumbered, or demised without such approbation before the passing of this Act.

As to street traffic.

79. The following provisions with respect to traffic in the streets of the borough shall have effect; (that is to say,)

(1.) The mayor or the chief constable of the borough may from time to time make regulations for the route to be observed by all carts, carriages, horses, cattle, and persons, and for preventing obstruction of the streets in times of holidays, public processions, public meetings, public rejoicings, and illuminations, and at such times as the streets are liable to be thronged or obstructed, and give directions to the constables for keeping order and for preventing noise and obstruction in the neighbourhood of the Town Hall, police court, theatres, and other places of public resort, and any person guilty of any breach of such regulations, or who does not comply with the direction of any constable acting in pursuance of such regulations, shall be liable to a penalty not exceeding five pounds:

(2.) The Corporation may from time to time make byelaws for all or any of the following purposes; (that is to say,)

(A.) For regulating omnibuses and stage carriages plying in any part of the borough, the places where they shall stand, the conduct of the drivers and conductors thereof, the number and fitness of the animals to be employed to draw the same, and for preventing the overcrowding thereof;

(B.) For prohibiting entirely or at certain times any cart or carriage from coming into or passing along any street in which any public building is situate during specified hours;

(C.) For regulating the speed of carts and carriages during specified hours, and generally for regulating street traffic in the borough:

A.D. 1877.

Provided that such byelaws as to the places wherein such omnibuses and stage carriages shall stand shall apply only to the public streets within the borough and not to any private ground or within the curtilage or boundary of any railway station or station approaches connected therewith not being public highways: Provided also, that by any byelaws to be made under this section the free passage of traffic from or to any railway station shall not be obstructed or interfered with.

Conversion of privies.

80. The Corporation may from time to time order any privy or ashpit of any house, the rateable value of which shall not exceed fifteen pounds per annum, to be altered according to such system as they may approve: Provided that if in any case such alteration shall be required in respect of a privy or ashpit previously approved of by the Corporation or by the local board, and the cost of such alteration exceed the cost that would necessarily be incurred in putting such privy or ashpit in a proper state of repair, then if such privy or ashpit shall have been constructed with proper workmanship and materials, the Corporation shall bear the whole of that extra cost, but if such privy or ashpit shall not have been so constructed, then the Corporation shall bear one half only of such extra cost.

Building regulations in Ninth Schedule to Act of 1872 to cease to form part of that Act, but to have effect as byelaws.

81. From and after the passing of this Act, section eighty-six (confirmation of regulations in schedule) of the Act of 1872 is hereby repealed, and the regulations set forth in the Ninth Schedule to that Act shall cease to form part thereof, but the Corporation may from time to time make byelaws for and with respect to all or any of the matters dealt with by such regulations, and the said regulations shall be deemed to be valid byelaws made by the Corporation for and with respect to those matters, and shall, without further confirmation or authentication thereof, and as from the passing of this Act, be in force within the borough unless and until altered or repealed by any subsequent byelaws, and may be enforced with and under the penalties in the said regulations mentioned accordingly: Provided that no byelaw, with respect to buildings and excavations for buildings, (except so far as it relates to the drains and other sanitary details of such buildings, and the lines of such buildings where the same abut on any street,) shall extend or apply to any building (other than a dwelling-house) belonging to or used or intended to be used for the purposes of their business by the proprietors of any railway or canal constructed under the powers of any Act of Parliament.

Continuance of space for old dwelling-houses.

82. With respect to dwelling-houses existing at the commencement of this Act, the following provisions shall have effect; (namely,)

Where such dwelling-house has an open space belonging to it

not greater than that required by the Act of 1872 for new dwelling-houses, that space, or any part thereof, shall never be built on without the approval of the Corporation:

Where such a dwelling-house has an open space belonging to it greater than that required by the Act of 1872 for new dwelling-houses, that space, or any part thereof, shall never be built on so as to leave for that dwelling-house a less open space than that required by the Act of 1872 for new dwelling-houses without the approval of the Corporation.

Power to open ill-ventilated courts.

83. 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, and remove the same, and execute all consequent 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.

As to cleansing of privies, &c.

84. If any middenstead, ashpit, privy, earth closet, or water-closet within the borough used in common by several persons, or the approaches to, or the walls, floors, seats, or fittings of any such middenstead, ashpit, privy, or closet, or any of them, shall be 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, each of the persons having the use thereof in common as aforesaid shall be liable to a penalty not exceeding ten shillings, and a further penalty not exceeding ten shillings for every day during which the same shall remain in such state or condition.

Removal of urinals.

85. The Corporation may order the owner and occupier of any building or lands to remove any urinal belonging thereto so situated or constructed as to be a nuisance or offensive to public decency, or otherwise objectionable; and if any person fails in any respect to comply with this section he shall be liable to a penalty not exceeding five shillings for every day during which such failure continues after the expiration of fourteen days from the service of such order on him.

Power to supply courts with privies, &c.

86. If in the opinion of the Corporation any court or place be without sufficient privy or ashpit accommodation, the Corporation for the purpose of supplying the same may from time to time take by agreement any land or building, and remove or alter such building, and execute all necessary works, and the owners of such houses in the court or place as are benefited thereby shall be liable to pay the expenses incurred by the Corporation in the execution of this section, and the amount thereof shall be apportioned among those owners by the surveyor, and the amount apportioned to each

A.D. 1877.

owner shall be payable by and recoverable from him: Provided that if any owner deems himself aggrieved by the decision of the Corporation as to the amount of such expenses, or the apportionment thereof, he may appeal to the Local Government Board under the provisions of section 268 of the Public Health Act.

Notice to be given of persons suffering from certain diseases.

87. 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 smallpox, cholera, or any contagious or infectious fever, the following provisions shall have effect; (that is to say,)

(1.) If any such inmate be suffering from any such disease as aforesaid, the occupier or person having the management or control of such building shall, so soon as he shall become aware of the existence in any such inmate of any such disease, forthwith give notice to the Corporation at the Town Hall of the existence in such inmate of such disease:

(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, 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 registered medical practitioner resident or practising in the borough forms for the certificate or declaration by such medical practitioner of the particulars herein-after mentioned in relation to such cases, according to the form set forth in the Fifth 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 such disease as aforesaid, forthwith fill up, sign, and send to the Corporation at the Town Hall a certificate or declaration stating, according to the forms prescribed and supplied to him by the Corporation, the name of such inmate, the situation of such building, and the name of such occupier or person, and the nature of the disease from which such inmate is suffering:

(5.) The Corporation shall pay to every 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:

And any person who shall offend against this enactment (unless ignorant thereof, the burden of the proof of which shall be on him) shall for every such offence be liable to a penalty not exceeding ten pounds.

Corporation may make byelaws as to dairies, &c.

88. The Corporation, for the better prevention of the spread of infectious and contagious diseases, may from time to time make byelaws with respect to dairies, shippons, and cowsheds for all or any of the following purposes; (that is to say,)

For regulating the situation and sanitary arrangements thereof;

The inspection thereof by an officer of the Corporation at all reasonable times; and

For ensuring the purity of the water supply thereof.

For suppression of betting in streets.

89. Any three or more persons assembled together in any part of a street for the purpose of betting shall be deemed to be obstructing the street, and each of such persons shall be liable to a penalty not exceeding five pounds, and any constable may take into custody without warrant any person who may commit such offence in view of such constable.

Notice not to be required for renewal of music licenses, &c. in certain cases.

90. Where application is made to the justices for the grant of a license under section one hundred and eight (places for dancing, music, and other public entertainments) of the Act of 1872, and such application is for the renewal of an existing license held by the applicant, and for the same premises, then notice under subsection four of that section shall not be requisite.

Power to enter unlicensed theatres.

91. Any justice by order in writing may authorise the chief constable, or any superintendent or inspector belonging to the police force of the borough, with such constables as he may think necessary, to enter into any house, building, or room kept or used for stage plays or dramatic entertainments, or for any public show or exhibition into which admission is obtained by payment of money, and which is not a licensed theatre, at any time when the same shall be open for the reception of persons resorting thereto, and to take into custody all persons who shall be found therein without lawful excuse, and every person keeping, using, or knowingly letting any house, building, room, or other tenement for the purposes aforesaid, or any of them, shall be liable to a penalty not exceeding twenty pounds, recoverable before any justice, and in default of payment of the penalty and costs may be committed to prison, with or without hard labour, for any time not exceeding two months, and every person performing or being therein without lawful excuse shall be liable to a penalty not exceeding forty shillings, and a conviction under this Act for this offence shall not exempt the owner, keeper, or manager of any such house, room, or

A.D. 1877.

tenement from any penalty or penal consequences to which he may be liable for keeping a disorderly house, or for the nuisance thereby occasioned: Provided that the onus of proving that such place is a licensed theatre shall be upon the person keeping the same.

Power to license dealers in marine stores.

92. The Corporation may from time to time grant to every such person as they think fit a license to carry on the business of a dealer in marine stores or in old metals (within the meaning of enactments relating to dealers of those classes respectively), and may charge a fee, not exceeding five shillings, for any such license for twelve months, and in the like proportion for any shorter period.

Power to make bye-laws as to dealers in marine stores.

93. With respect to such dealers and their licenses, the Corporation may from time to time make byelaws for all or any of the following purposes; (namely,)

(1.) For regulating the applications for such licenses, and the form and contents and signature thereof, and the registration thereof, and of matters relative thereto:

(2.) For regulating the duration of every such license and providing for the suspension or revocation thereof by the Corporation:

(3.) For requiring every person so licensed to keep exhibited outside his place of business his name and occupation, and any other particulars:

(4.) For requiring every person so licensed to enter in a book the description and the price of every article purchased or acquired by him in the course of his business, and the name, address, and occupation of the person from whom the same is purchased or otherwise acquired, and any other particulars, and for securing free access to every such book to the Corporation, their officers and servants, and persons authorised by the Corporation to inspect the same.

License may be suspended or revoked.

94. Any such license may be suspended or revoked by any justice before whom the person licensed is convicted of any offence, making it in the opinion of any such justice expedient that such license should be suspended or revoked.

Penalty on persons carrying on business without license.

95. If any person after the expiration of one month from the commencement of this Act carries on while unlicensed the business of such a dealer as aforesaid, he shall be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for every day during which such offence continues after the time when the penalty of twenty pounds is adjudged.

A.D. 1877.

Power to borrow.

96. The Corporation may from time to time (in addition to any moneys they are now authorised to borrow, or which they may be authorised to borrow under the provisions of the Public Health Act, or any Public General Act for the time being in force) borrow at interest, on the following securities and for the following purposes, the following sums; (that is to say,)

(1.) For waterworks purposes, on the security of the water revenue, borough fund, and borough rate, eighty-five thousand pounds;

(2.) For slaughter-house purposes, on the security of the markets, fairs, and slaughter-house tolls, and the borough fund and borough rate, twenty-five thousand pounds;

(3.) For parks and recreation grounds, on the security of the borough fund and borough rate, fifteen thousand pounds;

(4.) For gaswork purposes, on the security of the gas revenue and district funds and rates, one hundred thousand pounds;

(5.) For new streets and roads, and street and road improvements, on the security of the district funds and rates, fifteen thousand pounds;

(6.) For sewage purposes, on the security of the district funds and rates, fifty thousand pounds;

(7.) For repayment of the mortgages of the local board, on the security of the district funds and rates, four thousand and ten pounds;

(8.) For sanitary purposes, on the security of the district funds and rates, seven thousand pounds;

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

As to sinking funds.

97. Section one hundred and twenty-five (sinking fund or annual instalments) and section one hundred and twenty-six (sinking fund for redemption of annuities) of the Act of 1872 are hereby repealed, and instead thereof the following provisions shall have effect; (namely,)

In order to discharge the principal moneys already borrowed and now owing, or hereafter to be borrowed under the powers of this or any other Local Act of Parliament or Provisional Order now in force, and to redeem the annuities granted under the Act of 1872, the Corporation shall in every year after the first day of July one thousand eight hundred and seventy-seven,

A.D. 1877.

out of the revenue, tolls, funds, and rates on which such principal moneys and annuities are respectively charged, appropriate and set apart as sinking funds, which may be accumulated at interest in the hands of the bankers of the Corporation (after the rate of not less than four per cent.) until they shall have amounted to the sum of five thousand pounds, and so soon as the same shall have so accumulated shall be invested from time to time and accumulated in the way of compound interest by investing the same respectively in such securities as trustees are by law for the time being authorised to invest trust moneys in, or on security of mortgages, debentures, debenture stock, or annuity certificates granted or issued under any Act under which the Corporation are authorised to borrow money, such sums of money as will, with the accumulations thereof in the way of compound interest at four pounds per centum per annum, be sufficient, after payment of all expenses, to pay off the moneys so borrowed and to redeem the said annuities at their capitalised value, to be taken for this purpose at twenty-five years purchase, in eighty years from the first day of January one thousand eight hundred and seventy-five:

The appropriation for the said sinking funds shall commence at the following periods; (namely,)

For repayment of moneys borrowed and now owing, and for redemption of the said annuities, from the first day of July one thousand eight hundred and seventy-seven:

For repayment of moneys to be borrowed after the passing of this Act, on the first day of July next following the time of the borrowing of such moneys:

Provided as follows; (that is to say,)

Every sinking fund existing at the passing of this Act shall be transferred to the corresponding sinking fund to be accumulated under this Act for the like purpose:

The Corporation may at any time apply the whole or part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart, or to the redemption of the said annuities, in such order and manner as they deem proper: Provided that in such case they pay into such sinking fund in each year afterwards, and accumulate as herein-before prescribed, until the whole of the borrowed moneys or annuities to which such sinking fund is applicable are discharged or redeemed, a sum equal to the interest produced by the sinking fund or part thereof so applied or the annuities so redeemed.

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

98. The town clerk shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for any sinking fund under this Act, transmit to the Local Government Board a return in such form and verified in such manner as that Board may from time to time prescribe, showing the amount which has been invested for the purpose of such sinking fund during the year next preceding the making of such return, and the description of the securities upon which the same has been invested, and the purposes to which any portion of the moneys invested for the sinking fund has been applied during the same period, and the total amount (if any) 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. If it appear to the Local Government Board, by such return or otherwise, that the Corporation have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any other purposes than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested or applied by the Corporation as part of the sinking fund, and any such order may be enforced by Mandamus to be obtained by the Local Government Board.

Power to re-borrow.

99. If the Corporation pay off any moneys otherwise than by means of a sinking fund, or out of the proceeds of the sale of land acquired under the powers of this Act, or any of their former Acts, they may re-borrow the same, and so from time to time.

Corporation may borrow under former Acts on specific securities.

100. When under the powers of any of the former Acts the Corporation re-borrow any moneys, they may so re-borrow on the security of all or any of the funds, rates, rents, tolls, and revenue which are respectively liable for the payment of interest of the money so re-borrowed.

Debenture stock.

101. Any money which the Corporation are for the time being authorised to raise may be raised by the creation and issue of debenture stock under and according to the provisions of "The Local Loans Act, 1875," and of this Act, and the form of the certificate and of the transfer of such stock may be as set forth in the Sixth Schedule to this Act.

Gas annuities to have priority.

102. No mortgages granted by the Corporation under the powers of this Act, either wholly or partly on the security of the gas revenue, shall, during the continuance of any of the annuities granted by the Corporation under the Act of 1872, have priority over such annuities as against the gas revenue.

A.D. 1877.

Corporation not to regard trusts.

103. 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 register book 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 such trust, or of any charge or incumbrance upon or transfer of such loan or security, or any part thereof, or interest thereon not entered on their register, and the Corporation shall not be bound to see to the application of the money paid on any such receipt, or be answerable or accountable for any loss, mis-application, or non-application of any of such money.

Provisions as to coupons for interest on mortgages.

104. With respect to coupons for interest on mortgages the following provisions shall have effect; (that is to say,)

(1.) The Corporation may from time to time, if they think fit, issue to holders of mortgages of the Corporation coupons for the interest from time to time to fall due on such mortgages, which coupons may be in such form as the Corporation from time to time think fit, and may be made payable to the bearer of each coupon or to the person named therein or his order:

(2.) Every coupon shall refer to the mortgage to which it relates, and specify the amount and time of payment of one half year's interest to fall due on the principal money secured by such mortgage, and shall be authenticated by the signature of two persons expressly authorised in that behalf by the Corporation, which authorisation shall be presumed until the contrary be shown:

(3.) On presentation to the treasurer of any such coupon he shall pay to the person presenting the same the amount of interest in such coupon specified to be payable:

(4.) The coupon shall be accepted in the audit of the accounts of the treasurer as a voucher for the payment of the sum for which the coupon was issued:

(5.) The treasurer shall not be bound to pay any coupon unless upon its presentation there be money of the Corporation in his hands applicable in that behalf.

Funds out of which expenses of former Acts and of this Act are to be paid.

105. The following enactments; (that is to say,)

Section one hundred and eighty-one (general expenses of executing Act and income of Corporation under Act) of the Act of 1854;

Section nineteen (as to payment of expenses of executing this Act, &c.) of the Act of 1861;

Section eighty-four (general expenses of executing Act and income of Corporation under Act) of the Act of 1864;

Section thirty-one (general expenses of executing Act and income of Corporation under Act) of the Act of 1865; and

Section one hundred and thirty-one (charge of expenses except for Croal water and markets on general district rate, &c.) of the Act of 1872;

are hereby repealed; and from and after the passing of this Act all expenses incurred by the Corporation in carrying into execution the provisions of their former Acts and of this Act (except such of them as are to be paid out of borrowed money) shall be paid as follows; (that is to say,)

Sanitary expenses and expenses incurred for and in relation to the manufacture and supply of gas in and for each district, out of the district fund and rate of each district respectively;

All other expenses, out of the borough fund.

Separate accounts for sanitary purposes.

106. In each rating district there shall be constituted a fund, to be called the District Fund, and the Corporation shall keep separate accounts of receipts and expenditure for sanitary purposes in respect of each of the rating districts, to be called the District Fund Account, and in those accounts shall debit each rating district with the expenditure made in and for the same, and shall credit each rating district with the receipts therefrom for or on account of sanitary purposes and its district rate: Provided that when any expenditure is incurred for purposes common to the account of two or more district fund accounts, the Corporation may apportion the same between such accounts in such manner as they deem equitable: Provided also, that if any question arise between the Corporation and any owner or ratepayer whether any such expenditure be an expenditure incurred for purposes common to the account of two or more district fund accounts, or be fairly apportioned between such accounts, such question shall be submitted in writing by the Corporation or by such owner or ratepayer for the decision of the Local Government Board, who may, after inquiring thereinto, make such order in the matter as they deem equitable, and the order so made shall be binding and conclusive on all parties concerned, and the costs of and attending the determination of such question shall be in the discretion of the Local Government Board.

As to rates.

107. Section one hundred and fourteen (district rates on Rumworth) of the Act of 1872 is hereby repealed, and in lieu

A.D. 1877.

thereof the following provisions shall have effect; (that is to say,)

(1.) For the purposes of rating, the borough shall be divided into districts (in this Act called rating districts), and such districts shall respectively be called by the names mentioned in the first column of the Seventh Schedule to this Act, and shall consist of the areas and places described in the second column of that schedule:

(2.) The Corporation may from time to time make, assess, levy, collect, and recover in each rating district a district rate for sanitary expenses, and expenses incurred for or in relation to the manufacture and supply of gas in or for that district:

(3.) The general district rate levied, and the fund constituting the sewering, paving, and improvement account under the Act of 1864, shall be the central district rate and central district fund for the rating district firstly in that schedule mentioned:

(4.) The funds and rates for the several districts shall be respectively called by the names set opposite those districts in the third and fourth columns of that schedule:

(5.) During the ten years next succeeding the passing of this Act no rate shall be levied by the Corporation in respect of property (other than such lands as herein-after mentioned) situate in the Halliwell rating district, except the district rate and an uniform borough rate of one shilling in the pound, and no rates shall be levied by the Corporation in respect of any land used as arable, meadow, or pasture ground only, or as woodland, market garden, or nursery grounds, or any land covered with water situate in the Halliwell rating district, except one fourth of the said district rate leviable on property other than such lands as aforesaid, and an uniform borough rate of sevenpence halfpenny in the pound, and at all times after the period aforesaid no rates shall be levied by the Corporation in respect of any such lands so used as aforesaid which shall be higher than, as regards the district rate, one fourth of the district rate, and, as regards the borough rate, one fourth of the borough rate for the time being levied on such property situate in that rating district:

(6.) The provisions contained in the following sections of the Act of 1854; (that is to say,)

Section one hundred and fifty (amount of rate may

include expenses of making and recovering same, and as regards improvement rate interest on outlay);

Section one hundred and fifty-one (rates for more or less than a year);

Section one hundred and fifty-two (rates prospective and retrospective);

Section one hundred and fifty-four (remedies for recovery of rates, &c. cumulative);

And all other provisions now in force in the borough with respect to the making, assessing, levying, collecting, and recovering of rates shall, so far as they are applicable, and subject to the provisions of this Act, extend and apply to and in relation to the district rates:

(7.) The Corporation shall carry to the credit of the district fund and rate of the rating district of Halliwell the proceeds and annual income of the estates and property of the local board by this Act transferred to the Corporation, and shall debit such fund and rate with all expenses of and incidental to or connected with the management of such estates and property, and (subject to any apportionment which may be made thereof) the debts, liabilities, and engagements of the local board.

For the protection of the rural sanitary authority.

108. For the protection of the rural sanitary authority the following provisions shall have effect; (that is to say,)

(1.) The rural sanitary authority may at their own expense connect the sewers of that part of the township of Halliwell which is not added to the borough with the intercepting sewers and main drains of the Corporation, and the rural sanitary authority shall not be called on to make any payment for the use of such intercepting sewers or drains, but shall pay to the Corporation such a proportion of the costs, charges, and expenses of and incident to the treatment and disposal of the sewage for the time being treated by the Corporation at their sewage works as the rateable value of such part bears to the aggregate rateable value of the whole area the sewage whereof is for the time being treated at those works: Provided that in the ascertaining of such costs, charges, and expenses there shall not be included therein any expenditure on capital account or any interest on capital expenditure:

(2.) All connexions to be made with any sewers or drains of the Corporation shall be made under the superintendence and to the reasonable satisfaction of the surveyor:

A.D. 1877.

(3.) If any difference arise between the Corporation and the rural sanitary authority touching anything to be done or not to be done, or any costs, charges, damages, or expenses to be paid or not to be paid, under the provisions of this section, such difference shall be determined by an arbitrator to be mutually agreed upon, or in default of agreement as to the person so to be appointed, or on his default to act therein when appointed, then by the Local Government Board on the application of either party.

Separate accounts in relation to gas.

109. The Corporation shall keep separate accounts of the receipts and expenditure for and in relation to the manufacture and supply of gas, and the surplus (if any) in any year shall be carried to the credit of the several district funds in proportion to the rateable value of such several rating districts, and any deficiency shall be paid out of such several district funds and in like manner.

Separate accounts for waterworks and markets, &c.

110. The Corporation shall keep separate accounts of receipts and expenditure for and in relation to the following matters; (that is to say,)

Waterworks and supply of water; and

Markets, fairs, and slaughter-houses;

and the net profits (if any) on each of those accounts shall be carried to the credit of the borough fund.

Owner may be rated instead of occupier in certain cases.

111. The owner instead of the occupier of any dwelling-house or part of a dwelling-house occupied as a separate tenement, the rateable value of which does not exceed ten pounds, shall be rated to the borough rate and to the district rates, and the owner so rated shall be entitled to a deduction of ten per centum upon the rates when paid by him if he shall pay the same within one calendar month after the same shall have been demanded: Provided also, that where an owner pays any rate to the Corporation, the occupier shall, in the absence of any agreement to the contrary, repay him the amount thereof, and such amount if not so repaid on demand may be recovered as though the same were arrears of rent owing by such occupier to such owner.

Power to levy rates by instalments.

112. 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.

Extending time for summary recovery of rates, &c.

113. Proceedings in a court of summary jurisdiction for the recovery of moneys payable under section one hundred and seventeen (recovery of private improvement and other expenses) of the Act of 1872, and for the recovery of gas rents and water rents, and any rate payable to the Corporation, may be commenced at any time within twelve calendar months from the time when the account and statement of such expenses, rents, and rate respectively, and demand thereof, is first given or served by the Corporation by or upon the person against whom such proceedings are taken.

Borough rate may be levied with district rates.

114. The Corporation may, if they think fit, make, assess, levy, collect, and recover the borough rate in the same manner as and with and under the same provisions (except as to exemptions from and reductions in the assessment) with which they make, levy, assess, collect, and recover any district rate, and they may so make, assess, levy, collect, and recover the same either as a separate rate or with the district rates. Any such borough rate so made may be in the form given in the Eighth Schedule to this Act or to the like effect, and the demand note for the same may include the district rate with which the same has been made.

Days of payment of water rent.

115. The water rents shall be payable on the first day of July, the first day of October, the first day of January, and the first day of April in every year, and section seventy (rates to be paid quarterly) of "The Waterworks Clauses Act, 1847," shall for the purposes of this Act be construed accordingly.

Water rent in arrear may be increased.

116. If any water rent when due be not paid within twenty-one days after the same shall have been demanded, the Corporation may demand and recover from any person so in arrear, as in addition to such rent, any sum not exceeding fifteen per centum on the amount of the rent so in arrear.

As to audit of accounts.

117. The provisions of the Municipal Corporations Acts relating to the audit of accounts shall, subject to the provisions of this Act, extend and apply to the audit of the accounts kept by the Corporation under this Act.

Accounts may be made up to 30th of June.

118. The Corporation may, if they think fit, cause the financial year for all or any of the matters under their administration to commence on the first day of July, and the accounts thereof to be made up annually to the thirtieth day of June next preceding, and in that event the audit of the accounts of the Corporation shall be made in the months of July and January, and the treasurer shall make out and print his abstract of accounts accordingly.

A.D. 1877.

Deputies may be appointed by town clerk, &c.

119. The town clerk, the treasurer, and the surveyor respectively may from time to time, with the approval of the Corporation, appoint a deputy and delegate to him the performance of all or certain of the duties of the office to which such town clerk, treasurer, and surveyor is appointed, and the acts of such deputy within the terms and during the continuance of such appointment shall be valid accordingly.

Town clerk may take proceedings in bankruptcy.

120. The town clerk may institute and prosecute all such proceedings in bankruptcy under "The Bankruptcy Act, 1869," or any Act amending or substituted for the same, as may be necessary to procure to be adjudged a bankrupt any person against whom the Corporation may have any claim or demand, as though such claim or demand were the claim or demand of the town clerk and not of the Corporation.

Form and service of notices by Corporation.

121. Any instrument (including a notice, order, resolution, declaration, adjudication, requisition, consent, approval, disapproval, demand, determination, appointment, or other document) made, given, delivered, or served under this or any other Act, or any bye-law by the Corporation, may be either in print or in writing (including lithograph) or partly in print and partly in writing (including lithograph), and shall be sufficiently authenticated by the name of the town clerk, of the treasurer, or of the surveyor, or other proper officer (according to the subject of the particular instrument) being affixed thereto, in print or in writing (including lithograph), or by a stamp on behalf of the Corporation, and it shall be sufficient in all cases where any such instrument is required to be given to or served on the owner or occupier of any property to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which it is given or served, without further name or description, and any such instrument may be addressed to owners or occupiers of any number of adjoining or neighbouring houses or buildings collectively, and when so addressed may be served on more owners or occupiers than one, (so that separate copies be served on the respective owners and occupiers of the several houses or buildings concerned,) and any such instrument may be served on any owner, occupier, or other person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate at his last known or usual place of abode or business, or, in case of an occupier, to any inmate of the building in respect of which it is given or served, or if the building is unoccupied and the place of abode of the person to be served is after diligent inquiry unknown, it shall be sufficient to affix it or

a copy thereof upon some conspicuous part of such building. Any instrument so served by post as aforesaid shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the instrument was properly addressed and posted.

General provisions as to bye-laws.

122. All byelaws from time to time made by the Corporation under the powers of this Act shall be made under and according to the provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-seven (both inclusive) of the Public Health Act: Provided that all byelaws may be partly in print and partly in writing (including lithograph).

Compensation how to be determined.

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

Compensation may be in land, &c.

124. The Corporation, when they are required by any enactment to make compensation to any person interested in any lands, may, by agreement with such person, make such compensation wholly or partly in works, land, or money.

Saving from effect of repeal.

125. The repeal by this Act of any enactment shall not, unless so expressly provided, affect the validity, invalidity, effect, or consequence of anything already done or suffered, or any existing status or capacity, or any right acquired or accrued, or any debt owing to or by the Corporation, or any penalty incurred, or any remedy or proceeding in respect of such right, debt, or penalty, or the proof of any past act or thing.

Expenses of Act.

126. All the costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Corporation out of the borough fund.

A.D. 1877.

SCHEDULES.

THE FIRST SCHEDULE.

Municipal Limits of Borough as extended.

The whole of the township of Great Bolton, and which is coloured pink on the borough plan.

So much of the township of Tonge-with-Haulgh as is called Haulgh, and which is coloured green on the borough plan.

The township of Little Bolton, except the detached parts thereof lying to the north of the town of Bolton, and which said portion of Little Bolton so included within the borough is coloured yellow on the borough plan.

So much of the township of Rumworth adjoining to Great Bolton as is situate within the following boundary, namely, a boundary commencing at the intersection of the boundaries of the townships of Great Bolton, Great Lever, and Rumworth; then proceeding in a south-westerly direction along the boundary between the townships of Rumworth and Great Lever; thence in a westerly direction along the boundary between the townships of Rumworth and Over Hulton to where such last-mentioned boundary intersects Dean Church Lane; thence proceeding along the centre of the said Dean Church Lane until it joins the turnpike road from Bolton to Westhoughton, and then along the boundary of the said turnpike road in an easterly direction (but so as not to include any portion of such road) until it crosses the boundary between Great Bolton and Rumworth; and which said portion of Rumworth so comprised within the borough is coloured blue on the borough plan.

So much of the said township of Halliwell as lies to the south and east of the following boundary; (that is to say,)

From a point commencing near Sharples Bleach-works at the junction of the boundary of Halliwell, Sharples Lower End (detached), and Little Bolton; thence north-westerly along the boundary dividing Halliwell from Sharples Lower End (detached) to the point at which the same meets the boundary of the southernmost of the three detached parts of the township of Little Bolton; thence westward along the boundary of the township of Halliwell to the point at which the same meets Dean Brook; thence westward up Dean Brook to Smithills Mill Bridge; thence eastward along the northerly side of Pilkington Street to Top-o-the-Lane; thence southward along the easterly side of Cooper's Lane for about one hundred and thirty yards to the point at which it is left by the lane which leads southwards past

Bennets and Vallet's to the Horwich Road; thence along the easterly side of the last-mentioned lane to the point at which it meets the Horwich Road; thence in a straight line to the point at which the boundary between the townships of Halliwell and Heaton meets the boundary of the township of Little Bolton in the Chorley New Road; and which said portion of Halliwell so comprised within the borough is coloured light red on the borough plan.

THE SECOND SCHEDULE.

Part I.

Names and Boundaries of the Wards forming the extended Borough.

Exchange Ward

Includes all that part of the borough which lies within the metes and bounds following; (that is to say,)

From a point where the centre of Bank Street intersects the division of the townships of Great and Little Bolton, southerly along Bank Street, Bradshaw Gate, and Manchester Road to a point where the same meets Bridgman Street; thence westerly along the centre of Bridgman Street to the junction of Moncrieffe Street with Bridgman Street and Crook Street; thence along the centre of Crook Street to the junction of Blackburn Street with Crook Street and Moor Lane; thence northerly along the centre of Moor Lane and White Lion Brow to the division of the townships of Great and Little Bolton at Great Bridge; thence easterly along the boundary between the said townships to the point in Bank Street first herein described; and which said Exchange Ward is coloured pink upon the ward plan.

Bradford Ward

Includes all that part of the borough which lies within the metes and bounds following; (that is to say,)

From the south-west end of Derby Street at the boundary between the townships of Rumworth and Great Bolton, north-easterly along the centre of Derby Street and Weston Street to the point where Weston Street meets Crook Street; thence easterly along the centre of Crook Street to the junction of Moncrieffe Street with Bridgman Street and Crook Street; thence southerly along the centre of Moncrieffe Street to Lever Street; thence along the centre of Lever Street to Nelson Street; thence along the centre of Nelson Street to the point where Nelson Street comes to the borough boundary; thence westerly along the said borough boundary to the

A.D. 1877.

junction of the boundary between the townships of Great Bolton, Rumworth, and Great Lever; and thence along the boundary between Rumworth and Great Bolton aforesaid to the south-west end of Derby Street first described; which said Bradford Ward is coloured red upon the ward plan.

Derby Ward

Includes all that part of the borough which lies within the metes and bounds following; (that is to say,)

From the south-west end of Derby Street at the boundary between the townships of Rumworth and Great Bolton, north-easterly along the centre of Derby Street and Weston Street to the point where Weston Street meets Crook Street; thence westerly along the centre of Crook Street to the junction of Blackburn Street with Crook Street and Moor Lane; thence northerly along the centre of Moor Lane and White Lion Brow to the division of the townships of Great and Little Bolton at Great Bridge; from thence westerly and southerly along the boundary dividing the said township of Great Bolton from Little Bolton, Heaton, and Rumworth to the south-west end of Derby Street first described; which said Derby Ward is coloured dark blue upon the ward plan.

Church Ward

Includes all that part of the borough which lies within the metes and bounds following; (that is to say,)

From the point at which Nelson Street comes to the boundary of the borough at Burnden; thence northerly along the centre of Nelson Street to Lever Street; thence easterly along the centre of Lever Street to Moncrieffe Street; thence along the centre of Moncrieffe Street to Bridgman Street; then easterly along the centre of Bridgman Street to the junction of Bridgman Street and Manchester Road; thence northerly along Manchester Road, Bradshaw Gate, and Bank Street, to the division of the townships of Great and Little Bolton at the River Croal; thence easterly along the boundary dividing the townships of Great and Little Bolton to where the same join the township of Haulgh, and along the boundary between the townships of Haulgh and Little Bolton until it reaches the boundary of the borough; thence along the said borough boundary to Tong Bridge; thence southerly along the said borough boundary to the confluence of the Jenny Beck with the River Tong; thence westerly along the said borough boundary and the Jenny Beck to the first-named point where Nelson Street comes to the said borough boundary at Burnden; and which said Church Ward is coloured green upon the ward plan.

East Ward

Includes all that part of the borough which lies within the metes and bounds following; (that is to say,)

From a point where Bridge Street intersects the boundary between the

townships of Great and Little Bolton northerly along the centre of Bridge Street, Higher Bridge Street, and Blackburn Road to the junction of Waterloo Street with Blackburn Road; thence south-easterly along the centre of Waterloo Street to Fold's Road; thence easterly along the centre of Fold's Road to the boundary of the borough at Turner Bridge; thence southerly along the boundary of the borough to the junction of the townships of Little Bolton and Haulgh; thence westerly along the boundary between those townships to where the same join the township of Great Bolton; thence westwardly along the boundary between Great Bolton and Little Bolton aforesaid to the point in Bridge Street first described; and which said East Ward is coloured brown upon the ward plan.

West Ward

Includes all that part of the borough which lies within the metes and bounds following; (that is to say,)

From a point where Bridge Street intersects the boundary between the townships of Great and Little Bolton northerly along the centre of Bridge Street, Higher Bridge Street, and Blackburn Road to a point where Blackburn Road meets the township of Sharples Lower End (detached); thence westerly and southerly along the boundary dividing Little Bolton from Sharples Lower End (detached), Halliwell, and Heaton; thence easterly and northerly along the boundary dividing Little Bolton from Great Bolton to the point in Bridge Street first described; and which said West Ward is coloured yellow upon the ward plan.

North Ward

Includes all that part of the borough which lies within the metes and bounds following; (that is to say,)

From the junction of Waterloo Street with Blackburn Road northerly along the centre of Blackburn Road to a point where Blackburn Road crosses the borough boundary; thence easterly and southerly along the boundary of the borough to Turner Bridge; thence westerly along the centre of Fold's Road to Waterloo Street; and thence north-westerly along the centre of Waterloo Street to the aforesaid junction thereof with Blackburn Road; and which said North Ward is coloured grey upon the ward plan.

Rumworth Ward

Includes

All that part of the township of Rumworth which is within the borough; and which said Rumworth Ward is coloured purple upon the ward plan.

Halliwell Ward

Includes

All that part of the township of Halliwell which is within the borough; and which said Halliwell Ward is coloured light red upon the ward plan.

A.D. 1877

Part II.

Regulations respecting number, &c. of Aldermen, Councillors, &c.

1. The borough shall have sixteen aldermen and forty-eight councillors.

2. Exchange Ward, Bradford Ward, Derby Ward, Church Ward, East Ward, West Ward, and Halliwell Ward shall return six councillors each, and North Ward and Rumworth Ward shall return three councillors each.

3. For the purposes of the burgess lists, burgess roll, and other lists to be made after the passing of this Act, under the provisions of the Municipal Corporations Acts, the added part of the borough shall be deemed to have always formed part of the borough.

4. The first election for the added ward shall be held on the first day of November one thousand eight hundred and seventy-seven before the mayor, or a person or persons to be appointed by him for the purpose, and there shall then be elected six councillors for Halliwell Ward.

5. In Halliwell Ward the two councillors having the least number of votes shall go out of office on the first day of November one thousand eight hundred and seventy-eight; and the two councillors having the next least number of votes shall go out of office on the first day of November one thousand eight hundred and seventy-nine; and the others shall go out of office on the first day of November one thousand eight hundred and eighty; and if in that ward there be no poll, or there be an equality of votes on a poll, the council shall determine the order in which the councillors of that ward shall go out of office.

6. On the ninth day of November one thousand eight hundred and seventy-seven the council shall elect two additional aldermen, who shall respectively hold office until the general election of aldermen in one thousand eight hundred and eighty and one thousand eight hundred and eighty-three respectively, and the council shall immediately after such election determine which of the two shall first go out of office.

7. The mayor of the borough shall be elected on the ninth day of November one thousand eight hundred and seventy-seven from and out of the aldermen and councillors of the borough.

8. Subject to the regulations of this schedule, all elections, vacations of office, and rotations shall be governed by the Municipal Corporations Acts.

THE THIRD SCHEDULE.

Part I.

Lands for Valvesman's House.

A small plot of land in the said township of Turton situate at the south-west corner of the Wayoh Reservoir and at the north-west end of the bridge over the bye-wash of that reservoir, the same forming part of pasture land belonging or reputed to belong to Peter Richard Hoare, and in the occupation of John Holden.

Part II.

Additional Lands for Waterworks purposes.

A strip of land situate partly in the said township of Turton and partly in the townships of Entwisle and Edgeworth, both in the parish of Bolton-le-Moors, of the width of two chains or thereabouts, measured from the top water-line of the Wayoh Reservoir, and extending round the whole of the outer boundary of the said reservoir lying north of the embankment thereof, except the lands situate within a quarter of a chain, measured in an easterly direction, from the viaduct of the Lancashire and Yorkshire Railway, and also except certain lands belonging or reputed to belong respectively to Sarah Ann Bostron and Arthur Hutchinson, situate at the northern end of the said reservoir, and lying between a point situate at the south-east corner of a house called the Middle Steps and a point in Hob Lane situate seven chains south-east of the Know Mill Bridge measured along Hob Lane.

Part III.

Lands for Maintenance of existing Sewage Works.

Certain lands and hereditaments situate in the said township of Haulgh, in the parish of Bolton-le-Moors, lying on the north side of the Lancashire and Yorkshire Railway from Bolton to Bury, about twenty-five yards to the north of the Burnden Chemical Works, bounded northwardly and eastwardly by the said River Croal, and southwardly and westwardly by the township of Great Bolton, which said lands belong or are reputed to belong to the Right Honourable the Earl of Bradford, and are in the respective occupations of the Corporation and of Messieurs James Marsden and Company.

Part IV.

Lands for New Sewage Works.

Certain lands and hereditaments situated in the said townships of Great Lever and Darcy Lever, bounded on the south-west, south, and south-east by the River Croal, on the west by Hacken Colliery and the road leading thereto from Hacken Lane, on the north-east by the north-east side of an occupation road leading from Hacken Lane to Fogg's Colliery, and on the east by land forming part of Fogg's Estate, in the occupation of Amelia Holker, and lying eastwardly of a straight line drawn in a southerly direction from a point in such occupation road situate eight hundred and sixty yards distant, measured along that road from Hacken Lane to a point on the north bank of the said River Croal, situate to the north of and one hundred and eighty-three yards distant (measured in a straight line) from the junction of the said townships of Darcy Lever, Great Lever, and Little Lever, which said lands so to be acquired belong or are reputed to belong in part to the Right Honourable the Earl of Bradford, and in part to Andrew Knowles and Sons, Limited, and are in the respective occupations of Messieurs John Smith, Junior, and Company, James Holker, and Amelia Holker.

A.D. 1877.

THE FOURTH SCHEDULE.

Lands and Buildings of which Portions only are required.

Parish.	Numbers on deposited Plans (all inclusive).
Township of Entwisle, parish of Bolton-le-Moors - - - -	41 and 42.
Township of Edgeworth, parish of Bolton-le-Moors - - -	68.
Township of Little Bolton, parish of Bolton-le-Moors - - -	1, 16, 17, 19, and 21.
Township of Halliwell, parish of Deane	22.

THE FIFTH SCHEDULE.

CERTIFICATE OF DISEASE, &c. UNDER SECTION 87.

Bolton Improvement Act, 1877.

Section 87.

To the Corporation of the Borough of Bolton.

Pursuant to the above-mentioned Act, I hereby certify and declare that in my opinion the under-mentioned person is suffering from a disease within the terms of such section.

Dated the day of 18 .

(Signed)

Name of 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 - - - -

Nature of the disease - -

NOTE.—This certificate must (under penalty of five pounds in case of neglect) be forthwith sent to the Corporation at the Town Hall, and delivered to the official clerk or servant of the Corporation, who shall be found in attendance there.

THE SIXTH SCHEDULE.

Form of Certificate of Debenture Stock.

Bolton Corporation Debenture Stock.

Certificate No. Amount £

Registered No.

This is to certify that of is registered in the books of the mayor, aldermen, and burgesses of the borough of Bolton, in the county of Lancaster, as the proprietor of £ sterling Bolton Corporation Debenture Stock, created by virtue of the Bolton Improvement Act, 1877, bearing interest at the rate of £ per centum per annum, payable half-yearly on the day of and the day of in each year, the first payment to be made on the day of next.

Given under the common seal of the mayor, aldermen, and burgesses of the borough of Bolton, in the county of Lancaster, this day of 18 .

L.S.

Note.—This stock certificate must be deposited with the deed of transfer, whether for the whole or any portion thereof, before a new certificate can be issued in exchange.

All certificates will bear the common seal of the Corporation.

Form of Transfer of Debenture Stock.

I, of , in consideration of the sum of pounds paid to me by of do hereby transfer to (herein-after called the transferee), the sum of Bolton Corporation Debenture Stock, with all interest due and to become due thereon, to hold unto the transferee, his executors, administrators, and assigns, subject to the several conditions on which I held the same at the time of the execution hereof, and I, the transferee, do hereby agree to take the same debenture stock subject to the same conditions.

As witness our hands and seals this day of in the year of our Lord 18 .

L.S.

L.S.

THE SEVENTH SCHEDULE.

Districts into which the Borough is divided for Rating Purposes.

Name of district.	Description of district.	Name of rate.	Name of fund.
1. The central district.	The area of the borough as existing prior to the passing of the Act of 1872.	Central district rate.	Central district fund.
2. The Rumworth district.	So much of the township of Rumworth as is comprised within the borough.	Rumworth district rate.	Rumworth district fund.
3. The Halliwell district.	So much of the township of Halliwell as is comprised within the borough.	Halliwell district rate.	Halliwell district fund.

THE EIGHTH SCHEDULE.

Form of Rate.

An Assessment to the District and Borough Rate under "The Bolton Improvement Act, 1877," for the District, in the Borough of Bolton, in the county of Lancaster, made the day of 18 .

No. of Assessment.	Name of the person rated.		Description of property.	Situation of property.	Rateable value.	Borough rate at in the £.	Borough rate at in the £ on property subject to partial exemption.	District rate at in the £ on buildings.	District rate at in the £ on land, railways, &c.	Total rate to be collected.
	Owner.	Occupier.								

LONDON : Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1877.