

ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

****

Cap. lxxix.

An Act for repealing an Act relating to the Borough of *Bradford* in the County of *York*, and for better paving, lighting, watching, draining, and otherwise improving the said Borough, and for the better Regulation and Management thereof. [29th *July* 1850.]

WHEREAS an Act was passed in the Forty-third Year of the Reign of King *George* the Third, intituled *An Act for* 43 G. 3. c. 90.
paving, lighting, watching, and improving the Town of Bradford, *and Part of the Hamlet of* Little Horton *adjoining thereto, in the County of* York, *and for removing and preventing all Nuisances therein:* And whereas Her present Majesty, by the Advice of Her Privy Council, by certain Letters Patent under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, bearing Date the Ninth Day of *June* One thousand eight hundred and forty-seven, granted that the Inhabitants of the Borough of *Bradford* residing within the District comprised within the Boundary of the Parliamentary Borough of *Bradford* in the West Riding of the County of *York*, that is to say, the District comprised within the several Townships of *Bradford*, *Manningham*, *Bowling*, and the Township of

Horton, including the Hamlets of *Great* and *Little Horton*, and their Successors, should be for ever thereafter One Body Politic and Corporate in Deed, Fact, and Name, and that the said Body Corporate should be called the Mayor, Aldermen, and Burgesses of the Borough of *Bradford*, and should have perpetual Succession and a Common Seal, and should be governed by a Council, to be elected in the Manner therein mentioned: And whereas by virtue of an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, the Powers vested in the Commissioners for carrying the first-recited Act into execution were transferred to and are now vested in the Mayor, Aldermen, and Burgesses of the Borough of *Bradford*, acting by the Council of the said Borough, and the Members of the said Council have the same Powers as if their Names had been originally inserted in the said first-recited Act: And whereas an Act was passed in the Eleventh and Twelfth Years of Her present Majesty, intituled *An Act for promoting the Public Health*, whereby further and more effectual Provisions were made for improving the sanitary Condition of Towns and populous Places in *England* and *Wales*: And whereas the Borough of *Bradford* in the County of *York* is a large, populous, and improving Borough, and it would conduce to the Comfort and Advantage of the Inhabitants of the said Borough of *Bradford* and the Public if the Streets, Markets, Thoroughfares, and Places therein were better lighted, drained, widened, and otherwise improved and regulated, and Nuisances, Annoyances, and Obstructions therein were removed and prevented: And whereas the Objects aforesaid might be more fully and completely carried into execution if the said recited Act passed in the Forty-third Year of King *George* the Third were repealed, and more extensive Powers and Authorities were conferred upon the said Mayor, Aldermen, and Burgesses, acting by their Council; but the several Objects and Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall commence and take effect on the Twenty-fifth Day of *September* One thousand eight hundred and fifty, and thereupon the said first-recited Act shall be and the same is hereby repealed, save and except as to Matters, Things, and Proceedings done or commenced under the same before the Period appointed as aforesaid for the Commencement of this Act; and as to all such last-mentioned Matters, Things, and Proceedings, the said first-recited Act shall continue and be in full Force and Effect.

5 & 6 W. 4. c. 76.

11 & 12 Vict. c. 63.

First-recited Act repealed, and this Act to take effect.

II. And

All Property vested in Commissioners, &c. under first-recited Act to vest in Mayor, Aldermen, and Burgesses.

II. And be it enacted, That all the Estates and Effects, Real and Personal, Legal and Equitable, and all Rates that shall be due or in arrear from any Person, and all Bonds, Debts, Securities for Money, and Dues, and all Penalties of or belonging to or that shall be recoverable by the Commissioners, or the Mayor, Aldermen, and Burgesses of the said Borough of *Bradford*, or their Council as Commissioners for carrying into execution the Provisions of the said recited Act hereby repealed, either prior to or since the Transfer of the Powers of the said Act, or vested in, belonging to, or recoverable by any Trustees or Trustee on behalf of such Commissioners, Mayor, Aldermen, and Burgesses, or their Council as such Commissioners as aforesaid, or any of them, and all Contracts or Engagements that have or shall have been entered into with, to, or by such Commissioners, or the said Mayor, Aldermen, and Burgesses, or their Council as Commissioners as aforesaid, either prior to or since the Transfer of the Powers of the said first-recited Act, shall from and after the Commencement of this Act be absolutely vested in and recoverable by the said Mayor, Aldermen, and Burgesses of the said Borough, who shall be seised and possessed thereof and interested therein, and shall have all such Remedies for obtaining Possession of and entering on the said Estates, and recovering the said Rates, Debts, Dues, and Penalties respectively, and putting in Suit or otherwise enforcing the said Bonds, Securities, Contracts, and Engagements respectively, as the said Commissioners, Mayor, Aldermen, and Burgesses, Council as Commissioners, Trustees or Trustee as aforesaid, would have been seised or possessed of or entitled to therein, or would have had, if this Act had not been passed; and the said Mayor, Aldermen, and Burgesses shall be liable to perform and pay all the Contracts, Bonds, Debts, and Engagements which the said Commissioners under the said first-recited Act, or the said Mayor, Aldermen, and Burgesses, or their Council as such Commissioners, shall be liable to perform or pay at the Time of the Commencement of this Act.

Contracts and Liabilities under the first-recited Act how to be discharged.

III. And be it enacted, That all the Contracts, Bonds, Debts, and Engagements of the Commissioners, or the said Council as Commissioners, for executing the said recited Act hereby repealed, which may be owing or in force at the Time of the Commencement of this Act, for or on account or on the Credit of any Rate or Assessment in the said first-recited Act authorized to be made and levied, together with all Interest due or to accrue due thereon, shall be paid and discharged by and out of the Rate or Assessment for the same or the like Purposes which may be in force at the Time of the Commencement of this Act; and in case of any Deficiency therein for that Purpose the Amount of such Deficiency shall be raised and paid by the Council by and out of the Rates for the same or the like Purposes by this Act authorized to be raised, levied, and collected; and in case there shall be any Surplus of such Monies after paying and

discharging

discharging such Contracts, Bonds, Debts, and Engagements, the Amount of such Surplus shall be by the said Council carried to the Credit of the said Rates for the same or the like Purposes by this Act authorized to be raised and levied; and such Contracts, Bonds, Debts, and Engagements shall be recovered from and enforced against the Council in like Manner, according to the Circumstances of each Case, as the same could have been recovered from or enforced against the said Council as Commissioners before the Commencement of this Act.

For paying off Debt contracted under first-recited Act.

IV. And whereas the Commissioners under the said first-recited Act have borrowed the Sum of One thousand Pounds on the Credit of the Rates and Assessments authorized to be levied by the said recited Act hereby repealed, and for securing the Repayment of the said Sum, and the Interest thereon, the said Commissioners have granted a Mortgage on the said Rates: And whereas it is expedient to provide for the Payment of such Debt, by making the same a Charge upon the Rate, to be called "The General District Rate," mentioned in "The Public Health Act, 1848:" Be it therefore enacted, That the said Mortgage Debt shall, together with all Interest due and to accrue due thereon, be chargeable on and paid by the Council out of the said General District Rate mentioned in "The Public Health Act, 1848," and shall be recovered from the Council in like Manner as the same might have been recovered from the said Council as Commissioners under the said Act hereby repealed if this Act had not been passed.

Old Books to be Evidence.

V. And be it enacted, That all Rate Books, and all Entries therein, and all Registers and Books of Proceedings, and other Books whatsoever of the Commissioners or the Council as Commissioners under the said first-recited Act, kept according to the Directions of the said Act and made Evidence thereby, or which might have been received as Evidence at the Time of the Commencement of this Act, shall at all Times hereafter be admitted in Evidence in all Courts, and by all Judges, Justices, Commissioners, Arbitrators, and others, as the same might have been admitted in Evidence if this Act had not been passed.

Actions not to abate.

VI. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatever commenced by or against the Council as Commissioners acting in the Execution of the said first-recited Act, previous to the Commencement of this Act, shall abate, cease, be discontinued, or prejudicially affected by this Act, but the same shall continue and take effect, both in favour of and against the Council, in the same Manner in all respects as the same would have continued and taken effect in relation to the Council as Commissioners under the said first-recited Act if this Act had not been passed, and that all Persons who before the Commencement of this Act shall have committed

mitted any Offence or incurred any Penalty or Forfeiture under the Provisions of the said recited Act, so far as the same are hereby repealed, may be sued and prosecuted for such Offences, Penalties, and Forfeitures in such and the like Manner as they might have been sued and prosecuted respectively if this Act had not been passed, the Council being, in reference to the Matters aforesaid, in all respects substituted in place of the Commissioners under the said recited Act.

Officers acting under repealed Act to continue until removed.

VII. And be it enacted, That every Treasurer, Collector, Clerk, Surveyor, Scavenger, Law Agent, and other Officer appointed by virtue of or acting under the Authority of the said first-recited Act, and who shall hold and enjoy his Office and Employment at the Commencement of this Act, shall continue to hold his Office and Employment until he shall be removed therefrom by the Council, or until such Office or Employment shall be lawfully vacated or determined by Death, Resignation, Expiration, Ouster, or otherwise, in like Manner as if this Act had not been passed.

Short Title of the Act.

VIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal or other Proceedings or Instruments, it shall be sufficient to use the Expression "The *Bradford* Improvement Act, 1850."

Limits of the Act.

IX. And be it enacted, That the Limits of this Act shall be the Municipal Boundaries of the Borough of *Bradford*, and this Act shall and may be put in force within the said Limits or any Part thereof.

Council of the Borough to execute the Act.

X. And be it enacted, That the Mayor, Aldermen, and Burgesses of *Bradford*, by the Council of the said Borough, shall be and they are hereby empowered to carry this Act into execution.

Council may appoint Committees.

XI. And be it enacted, That the Council may appoint out of their own Body from Time to Time such and so many Committees, and consisting of such Number of Persons as they shall think fit, for all or any of the Purposes of this Act, which in the Discretion of such Council would be better regulated and managed by means of such Committees, and may fix the Quorum of such Committees; Provided always, that the Acts of every such Committee shall, in case the Council shall so order, but not otherwise, be submitted to the Council for their Approval; but that no Expenditure or Payment, or Contract to expend or pay any Sum of Money, made by such Committee, shall be lawful or valid when such Sum shall exceed the Sum of One hundred Pounds, unless such Committee shall have been authorized by the Council to make such Expenditure, Payment, or Contract, or unless, if not so authorized, such Expenditure, Payment, or Contract shall after the same has been made be approved of by the Council.

Committees may receive and proceed upon Notices under 11 & 12 Vict. c. 123., without special Authority of Council.

XII. Provided also, and be it enacted, That any Committee of the said Council appointed with respect to the Prevention of Nuisances, or of contagious and epidemic Diseases, may receive Notices under "The Nuisances Removal and Diseases Prevention Act, 1848," in the Form contained in the Schedule (A.) to that Act annexed, or to the like Effect, and may proceed upon such Notices, pursuant to the Provisions of that or of any other Act or Acts for the Amendment thereof, although no such Notice has been received by the Council or any of the other Bodies by that Act authorized to receive such Notices, and without further Authority from the Council than is conferred by the Fact of the Appointment of such Committee.

Quorum of Committee.

XIII. And be it enacted, That every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment; but no Business shall be transacted at any Meeting of the Committee unless the Quorum of Members, if any, fixed by the Council, and if no Quorum be fixed, Three Members, be present; and at all Meetings of the Committee One of the Members present shall be chosen Chairman, and all Questions shall be determined by a Majority of the Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a casting Vote, in addition to his Vote as a Member of the Committee.

Treasurer, &c. to hold the same Offices under this Act.

XIV. And be it enacted, That the Treasurer and Town Clerk for the Time being of the said Borough shall be the Treasurer and Clerk for the Purposes of this Act.

Certain Provisions of 11 & 12 Vict. c. 63. incorporated with this Act.

XV. And be it enacted, That "The Public Health Act, 1848," except the Part thereof which in the Copies thereof printed by the Printers to the Queen's most Excellent Majesty precedes the Section thereof therein numbered 2, and except also the several Sections thereof therein numbered respectively 3 to 34, both inclusive, 36, 50, 66, 75 to 80, both inclusive, and 82, 83, 93, 94, 105, 121, 138, 141, 142, and 152, shall (save so far as it is expressly varied by or is inconsistent with this Act) be incorporated with and form Part of this Act.

The Council to be the Local Board of Health under "The Public Health Act."

XVI. And be it enacted, That the Council shall, within and for the Borough, be the Local Board of Health under "The Public Health Act, 1848," and that as fully and effectually to all Intents and Purposes whatsoever as if the Parts incorporated with this Act of "The Public Health Act, 1848," had, by a Provisional Order of the General Board of Health, been duly applied to the Borough, and all proper Proceedings preliminary and consequent thereon had been duly taken, in accordance with that Act, and it had been duly enacted by an Act of Parliament passed after the making of such Provisional Order, and taking effect at the Time of the Commencement of this Act,

Act, that the whole of such Provisional Order should be confirmed and be absolute; and such Council shall exercise and execute the Powers, Authorities, and Duties of such Local Board, according to the Laws for the Time being in force with respect to the Municipal Corporations in *England* and *Wales*.

Provisions of "Public Health Act" to extend to this Act.

XVII. And be it enacted, That the several Provisions incorporated with this Act of "The Public Health Act, 1848," shall be read and construed as if the same had been repeated in this Act; and the Words "this Act" used in the Provisions herewith incorporated of "The Public Health Act, 1848," shall include this present Act; and the Provisions hereby incorporated of "The Public Health Act, 1848," shall be construed as if the Expression "Council" had been inserted therein instead of the Words "Local Board" or "Local Board of Health;" and the Incorporation of the said Provisions of the said last-mentioned Act shall have the same Effect as the Application thereof to the said Borough within the Meaning of the said Act.

Postponement of Operation of Provisions of "Public Health Act" as to Cellars used as Dwellings.

XVIII. Provided always, and be it enacted, That, except as by this Act otherwise provided, the Provisions incorporated with this Act of "The Public Health Act, 1848," with respect to the letting and occupying of Vaults, Cellars, and underground Rooms, shall not, so far as the same relate to Vaults, Cellars, and underground Rooms in the Borough let or occupied as Dwellings before the Commencement of this Act, come into force in any event until the Expiration of Twelve Calendar Months from the Commencement thereof, nor, unless the General Board of Health shall otherwise order, until the Expiration of Five Years from such Commencement.

As to Orders of General Board of Health respecting Cellars used as Dwellings.

XIX. And be it enacted, That at any Time or Times after the Expiration of Twelve Months from the Commencement of this Act the General Board of Health may order that all or any of the Provisions incorporated with this Act of "The Public Health Act, 1848," with respect to the letting and occupying of Vaults, Cellars, and underground Rooms, so far as the same relate to Vaults, Cellars, and underground Rooms in the Borough let or occupied as Dwellings before the Commencement of this Act, shall come into force, and the same shall come into force accordingly.

Occupiers of Tenements under 4*l.* within Limits of first-recited Act to be rated.

XX. And be it enacted, That, notwithstanding anything contained in the Clauses herewith incorporated of "The Public Health Act, 1848," no Person who shall occupy Tenements within the Limits of the said first-recited Act hereby repealed under the yearly Value of Four Pounds shall be exempt from Assessment to the General or Special District Rates mentioned in "The Public Health Act, 1848," or to any Watch Rate or Lamp Rate to be made for the said Borough:

Borough: Provided always, that the Occupier, not being the Owner, of any such Tenement within the Limits aforesaid, shall not be called upon or liable to pay any such Assessment, except on default of Payment by the Owner, as in "The Public Health Act, 1848," is provided; but the Council may compound with the Owner of any such Tenement for such Assessment according to the Provisions contained in "The Public Health Act, 1848," for compounding with the Owners of Premises under the net annual Value of Ten Pounds.

Power to Board of Health to make a Provisional Order as to Parts of "The Public Health Act" not incorporated with this Act.

XXI. And be it enacted, That, notwithstanding the Incorporation with this Act of certain of the Provisions of "The Public Health Act, 1848," it shall be lawful for the General Board of Health to make a Provisional Order or Provisional Orders for the Adoption within the said Borough of such of the Provisions of "The Public Health Act, 1848," which are not hereby incorporated as may from Time to Time appear applicable, and to do all such Matters and Things in reference thereto as the said General Board of Health could have done if this Act had not passed.

Evidence of Bye Laws and other Documents.

XXII. And be it enacted, That a Copy of any Bye Law to be made by the Council under the Provisions of "The Public Health Act, 1848," under the Seal of the Mayor, Aldermen, and Burgesses, shall be received as Evidence of any such Bye Law, and of the same having come into operation, in all Courts of Law and Equity, and before all Judges, Justices, Commissioners, Arbitrators, and other Persons, and all official or public Documents, and all Minutes of the Proceedings of the said Council regularly entered in the Minute Book or Books of the said Council, or any Copy, certified under the Hand of the Mayor of the said Borough, of any such Document or Minute, shall be receivable in Evidence of any Particular therein contained in all Courts of Law and Equity, and before all Judges, Justices, Commissioners, Arbitrators, and other Persons.

Council not to make any Rates except those authorized by 5 & 6 W. 4. c. 76. and this Act.

XXIII. Provided always, and be it enacted, That, save and except any Borough Rate or Watch Rate respectively to be raised and levied pursuant to the Provisions and for the Purposes of the said recited Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, and any other Act or Acts which have been or may be passed amending the same, it shall not be lawful for the Council to make, assess, or levy any Rates or Sums of Money, other than the Rates and Sums authorized to be made, assessed, and levied under the Provisions of this Act and "The Public Health Act, 1848:" Provided also, that the Amount to be levied for General District Rates within the Borough shall not exceed in any One Year Two Shillings and Six-

Limit of Rates.

pence in the Pound on the full net annual Value of the Property included in such Rates, and that the Amount to be levied for Special District Rates within the Borough shall not exceed in any One Year Sixpence in the Pound on the full net annual Value of the Property included in such Rates.

Certain Provisions of 10 & 11 Vict. c. 89. incorporated with this Act.

XXIV. And be it enacted, That "The Town Police Clauses Act, 1847," except the Clauses

With respect to the Appointment, and the Powers, Duties, and Privileges of Constables;

And with respect to the Rates to be made for carrying the Purposes of this and the special Act into execution;

And with respect to Bye Laws;

And with respect to the Tender of Amends;

And with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matters referred to Justices,

Shall (save so far as it is expressly varied by or is inconsistent with this Act, or with "The Public Health Act, 1848,") be incorporated with and form Part of this Act, and shall be construed as if the Expression "Council" had been inserted therein instead of the Word "Commissioners."

Penalty on Persons exposing Hides, or throwing Filth into Streams.

XXV. And be it enacted, That every Person exposing for Sale, or depositing in any Shambles or in any Street within the Limits of this Act, any raw or undressed Hide of any Beast or Cattle, and every Person who shall throw, cast, or lay, or cause, permit, or suffer to be thrown, cast, or laid, any Ashes, Rubbish, Dust, Dirt, Filth, or Annoyance whatsoever into *Bradford Brook* or *Bowling Brook*, or any other Stream or Rivulet in the said Borough, shall be liable to the same Penalties or Punishments as are expressed in "The Towns Police Clauses Act, 1847," with respect to Obstructions and Nuisances in the Streets.

Certain Provisions of 10 & 11 Vict. c. 34. incorporated with this Act.

XXVI. And be it enacted, That the several Provisions of "The Towns Improvement Clauses Act, 1847," with respect to the following Matters, (that is to say,)

With respect to naming the Streets and numbering the Houses;

And with respect to improving the Line of the Streets and removing Obstructions (except the Sections which in the Queen's Printers Copies are numbered respectively 66 and 67);

And with respect to ruinous or dangerous Buildings;

And with respect to Precautions during the Construction and Repair of the Sewers, Streets, and Houses;

And with respect to cleansing the Streets (except the Sections which in the Queen's Printers Copies are numbered respectively 87, 90, 91, 92, 93, and 94);

And with respect to supplying Buildings with fresh Air (except the Sections which in the Queen's Printers Copies are numbered respectively 112, 113, 114, and 115);
And with respect to Lodging Houses;
And with respect to lighting the Town or District;
And with respect to the Supply of Water;
And with respect to Things to be done by the Commissioners by Special Order only (except the Sections which in the Queen's Printers Copies are numbered respectively 134, 135, 136, 137, 138, 139, 140, and 141);
And with respect to Clocks;
And with respect to ensuring the Execution of the Works by this or the special Act required to be done by the Owners or Occupiers of Houses or Lands (except the Sections in the Queen's Printers Copies numbered respectively 152, 153, 154, and 155),
Shall (so far as the same are not expressly varied or excepted by or are inconsistent with this Act, or with "The Public Health Act, 1848,") be incorporated with and form Part of this Act, and shall be construed as if the Word "Council" had been inserted therein instead of the Word "Commissioners," and as if the Words "Burgesses "entitled to vote in the Election of Councillors" had been inserted therein instead of the Words "Rate-payers having Votes in the "Election of Commissioners."

No Turnpike Tolls to be collected in the Borough, nor any Money laid out by Turnpike Trustees in repairing Roads within the same.

XXVII. And be it enacted, That the Trustees or Mortgagees of any Turnpike Road within the Borough shall not collect Toll on any Road in the Borough, or lay out any Money thereon, except as herein-after mentioned: Provided always, that the Trustees of any Turnpike Road within the Borough the Tolls of which are mortgaged to the Public Works Loan Commissioners, or the said Commissioners, may continue to collect Tolls at any Toll Gate, Bar, or Chain already erected, or hereafter to be erected in substitution thereof, within the Borough, so long as the Mortgage Debt now due to the Public Works Loan Commissioners, or any Part thereof, shall remain undischarged; but such Tolls, after deducting the Expenses of Collection and incidental thereto, or to the letting of the Tolls, shall be applied towards the Discharge of such Mortgage Debt, and the Interest thereof, and for no other Purpose whatsoever; and a separate Account of the Tolls collected at such last-mentioned Toll Gates, Bars, or Chains shall be kept by the Trustees of such last-mentioned Turnpike Roads, and made up to the Thirty-first Day of *December* in each Year, and transmitted immediately to the Clerk of the Peace for the West Riding of the County of *York*, in the Manner prescribed by the general Turnpike Acts now in force: Provided also, that the Trustees of any Turnpike Road within the Borough of which the Tolls are in Mortgage to any other Person or

Persons

Persons than the said Public Works Loan Commissioners may continue to collect Tolls at any Toll Gate, Bar, or Chain already erected, or hereafter to be erected in substitution thereof, within the Borough, for the Space of Two Years next after the Thirty-first Day of *December* One thousand eight hundred and fifty; but such Tolls, after deducting the Expenses of Collection and incident thereto or to the letting of the Tolls, shall be applied towards the Discharge of the Principal Money now due on such Mortgages, and for no other Purpose whatsoever; and an annual Account of the Tolls collected at the Toll Gates, Bars, and Chains on each of the said Turnpike Roads from and after the Thirty-first Day of *December* One thousand eight hundred and fifty (separating the Amount received for such Tolls at the Toll Gates, Bars, and Chains within the Borough from the Amount received for such Tolls at the Toll Gates, Bars, and Chains out of the Borough), and of the Money laid out on the Repairs of the same Roads, and for Expenses of Management and incident thereto and to the letting of the Tolls, and of the Money paid on account of the Principal due on the said Mortgages, shall be kept by the Trustees of each of the same Roads during such Time as Tolls shall be collected at the Toll Gates, Bars, and Chains on the same Roads within the Borough, and made up to the Thirty-first Day of *December* in each Year, and transmitted immediately to the said Clerk of the Peace, in manner prescribed by the general Turnpike Acts now in force: Provided also, that in case the average annual Amount of the Tolls which shall be collected on the same Turnpike Roads respectively at the Toll Gates, Bars, and Chains out of the said Borough during Two Years from the Thirty-first Day of *December* One thousand eight hundred and fifty, after deducting the Expenses of Management, shall not amount to the same or a larger Sum than the average annual Amount which during the same Period shall have been expended in the Repairs of the same Roads, added to the Amount of the annual Interest of the Principal Money which at the Expiration of the same Period shall remain due on the said Mortgages, the Trustees of each of the said last-mentioned Roads respectively may continue to collect Tolls at any such Toll Gate, Bar, or Chain as aforesaid within the Borough until the Tolls to be received thereat shall amount to a Sum sufficient to reduce the Principal Money due on each of the same Roads respectively to such an Amount as that the average annual Amount of the Tolls which shall have been collected on the same Roads respectively out of the said Borough during the said Period of Two Years (after such Deduction as aforesaid) shall be equal to the average annual Amount of repairing the said Roads during the same Period, added to the Amount of the annual Interest of the Principal Money for the Time being remaining due on the said Mortgages respectively, after full Payment to the respective Mortgagees of the Amount collected for Tolls within the Borough; and such Tolls, after deducting the Expenses

of

of Collection and incident thereto or to the letting thereof, shall be applied towards the Discharge of the Principal Money due on the said Mortgages, and for no other Purpose whatsoever.

Power to the Council to cause Streets, &c. to be paved.

XXVIII. And be it enacted, That the Council shall and may, subject to the Provisions of this Act, and of the Acts and Clauses of Acts incorporated herewith, cause to be paved, drained, lighted, cleansed, watered, and otherwise improved the Borough of *Bradford*, and any Part or Parts thereof, and do all necessary Acts for promoting the Health and Convenience of the Inhabitants of the said Borough, and for that Purpose may exercise all the Powers vested in them by this Act, and the Acts incorporated herewith.

Persons laying out new Streets to deposit Plans, &c. with the Town Clerk.

XXIX. And be it enacted, That every Person who intends to make or lay out any new Street shall, on giving the Notice thereof to the said Council as is required by "The Public Health Act, 1848," deposit with the Town Clerk of the said Borough a Plan of the same, on an accurate Scale of Ten Yards to an Inch, and also a Section thereof, on a Scale of Ten Yards to an Inch horizontally and Ten Feet to an Inch vertically, and shall make any Deviation or Alteration therein that shall within the said Period of One Calendar Month be directed by the Council, for the Purpose of causing such intended new Street to be made or laid out in a direct Line, or in a more direct Line, with any other Street adjoining or leading thereto, or for the Purpose of making the same communicate therewith at a more convenient Level.

As to the Construction of Chimnies of Steam Engines, &c.

XXX. And be it enacted, That all Brewers, Bakers, Smiths, Founders, Pipe Makers, Worsted Spinners, Cotton Spinners, and all Manufacturers and Artificers making use in their Buildings of Fires casting up large Quantities of Smoke or Flame, within the said Borough of *Bradford*, shall construct all the Chimnies which are now made, or shall at any Time or Times hereafter by them be made, in any of such Buildings, of such respective Heights as the said Council shall order and direct, for the Purpose of preventing, as much as may be, the same being a Nuisance; and that every Owner and Occupier of any Fire Engine or Steam Engine within the said Borough of *Bradford* shall construct or arrange the Fireplaces and Chimnies thereof respectively in such Manner as effectually to destroy or consume the Smoke arising therefrom to the utmost Extent that shall from Time to Time be practicable, according to such reasonable Means as shall from Time to Time be in use for destroying or consuming Smoke, and shall be available in or applicable to Buildings used for the like respective Purposes; and that every such Person who shall neglect or refuse to construct or arrange his Chimney or Chimnies, Fireplace or Fireplaces, in the respective Ways and Manners aforesaid, for the Space of Fourteen Days after Notice in Writing for that Purpose, signed by the Town Clerk or Surveyor of the said

Borough, shall be given to him, or left at his Dwelling House, or at the Building in which such Fireplace or Chimney is placed, and shall nevertheless negligently or wilfully continue to cause or permit Smoke and Flame, or either of them, to be emitted from the same, shall forfeit and pay any Sum not exceeding the Sum of Ten Shillings for every Day on which, after such Neglect or Refusal as aforesaid, he shall cause or permit Smoke and Flame, or either of them, to be emitted from such Chimney or Fireplace, the same to be levied and recovered in such Manner as Penalties and Forfeitures are by "The Public Health Act, 1848," directed and authorized to be levied and recovered; and that the Surveyor of the said Borough, or any Person appointed by him for that Purpose, may at any Time enter any Building from any Chimney or Fireplace of which in his Judgment Flame or excessive Smoke shall be emitted, and open and examine, and use all necessary Means for ascertaining the Construction or Operation of any such Fireplace or Chimney.

Regulating Height of Houses in certain Streets.

No Dwelling House to be over a Privy.

XXXI. And be it enacted, That it shall not be lawful to build Houses of more than Two Stories in Height, exclusive of Cellars, fronting on any Street to be made or laid out after the passing of this Act, such Street being of less Width than Ten Yards, nor Houses of more than Three Stories in Height fronting on any such Street of less Width than Twelve Yards; and that it shall not be lawful to let separately, except as a Warehouse or Storehouse, or to suffer to be occupied as a Dwelling House, any Room or Building which or any Part of which is or shall be directly over or under any Privy, unless the same Privy is or shall be fitted up as a Water-closet, with an adequate and constant Supply of Water, to the Satisfaction of the Surveyor of the said Borough; and every Person who shall build any House contrary to this Provision, or who shall let separately (except as aforesaid), or who shall knowingly suffer to be occupied as a Dwelling Place, any Room or Building within the Limits of this Act, contrary to this Provision, shall be liable to a Penalty not exceeding Twenty Shillings, and a further Penalty not exceeding Five Shillings for every Day during which such House shall continue contrary to this Provision, or such Room or Building shall be so occupied after Conviction of the First Offence.

Power to cleanse Streams.

XXXII. And be it enacted, That it shall be lawful for the Council, from Time to Time as they may think fit, to cleanse the *Bradford Brook*, the *Bowling Brook*, and any other Brook, Rivulet, or Stream of Water within the said Borough, and from Time to Time to drain any stagnant Pool of Water, and remove all Filth within the said Borough, as the Council may think fit; and the said Council, their Officers and Servants, may from Time to Time enter into and upon any Premises in the Daytime, to do all necessary Acts for any of the Purposes aforesaid, so that the same be executed with all convenient

Despatch, and without injuring or endangering the Foundation or Wall of any Erections and Buildings already built and erected, or to be lawfully built and erected, adjoining to or over any such Brook, Rivulet, or Stream: Provided always, that nothing in this Act contained shall authorize or empower the said Council to injure the *Bradford* Canal Navigation, or to divert any of the Streams, Brooks, or Rivulets which supply with Water the *Bradford* Canal Navigation, or the Mills called *Frizinghall* Mills, belonging to the Company of Proprietors of the *Bradford* Canal Navigation, or to injure or interfere with any of the Locks, Towing Paths, Bridges, Banks, or any other Works of or belonging to the said Navigation, without the Consent in Writing of the said Company of Proprietors, under their Common Seal, first had and obtained.

For Protection to the Bradford Navigation.

Power to provide Receptacles for Sewage Water, &c.

XXXIII. And be it enacted, That it shall be lawful for the Council, from Time to Time as they may think fit, to construct and provide, upon any Land belonging to or to become vested in the Mayor, Aldermen, and Burgesses by virtue of this Act, such Cesspools or other Receptacles as may be necessary for the Purpose of collecting and depositing the Sewage Water and Refuse from the Drains and Sewers and other Places within the Limits of this Act, and to provide and lay such Pipes, Pumps, and Apparatus in such Manner and in such Places as may be necessary for the collecting and distributing the same, for Sale or otherwise, to any Persons who may from Time to Time agree with the said Council to take the same, by Sale or otherwise.

Regulation as to Front Openings into certain Streets.

XXXIV. And be it enacted, That from and after the Commencement of this Act it shall not be lawful for the Owner or Occupier of any House that shall have or shall be intended to have more than One Entrance to make or open (without the Consent of the Council for that Purpose first obtained) a front or principal Entrance into any House already built or hereafter to be built from or into any Street of less Width than Twenty-four Feet, and in case the front or principal Entrance into any House shall be opened or made from or into any Street of less Width than Twenty-four Feet, without such Consent as aforesaid, the said Council may give him Notice to discontinue the same at a Date to be specified in such Notice; and in case the Owner or Occupier of such House shall continue the same after the Day so specified in such Notice, he shall, on Conviction thereof, forfeit any Sum not exceeding Five Pounds, and a further Sum not exceeding Two Pounds for every Week during which such front or principal Entrance shall be continued after the Day so specified in such Notice.

Certain Provisions of 10 & 11 Vict. c. 15. incorporated with this Act.

XXXV. And be it enacted, That the Clauses of "The Gasworks Clauses Act, 1847," with respect to the breaking up of Streets for the Purpose of laying Pipes, and with respect to the Provision for guarding against fouling Water, or other Nuisance from the Gas, shall be

be incorporated with this Act; and the Expression "the Undertakers" in the said "Gasworks Clauses Act" shall, in reference to this Act, mean and include any Person whom the Council may contract with or employ to supply any Gas within the Limits of this Act.

Regulations for supplying Water for watering the Streets, and also for public Baths or Wash-houses.

XXXVI. And be it enacted, That in all the Pipes to which any Fireplug shall be fixed the *Bradford* Waterworks Company, and any other Company which may hereafter be established within the said Borough, shall provide and keep constantly laid on, unless prevented by Frost, unusual Drought, or other unavoidable Accident, or during necessary Repairs, a sufficient Supply of Water for the following Purposes, (that is to say,) for watering the Streets, and for supplying any public Baths or Wash-houses that may be established for the free Use of the Inhabitants, or paid for out of any Poor Rates or Borough Rates levied within the Limits of this Act; and such Supply shall be provided at such Rates, in such Quantities, and upon such Terms and Conditions as may be agreed upon between the Council and the said *Bradford* Waterworks Company, or other such Company as aforesaid, or, in case of Disagreement, as shall be settled by Two Justices, until an Inspector shall have been appointed, and after the Appointment of such Inspector, by the Inspector so appointed.

Provision for fixing Fireplugs in Main and other Pipes.

XXXVII. And be it enacted, That the *Bradford* Waterworks Company and any other such Company as aforesaid, at the Request of the Council, shall fix proper Fireplugs in the Main and other Pipes belonging to them, at such convenient Distances, not more than One hundred Yards from each other, and at such Places, as may be most proper and convenient for the Supply of Water for extinguishing any Fire which may break out within the Limits of this Act; and in case of any Difference of Opinion as to the proper Position or Number of such Fireplugs, it shall be settled by Two Justices.

Waterworks Company to repair Fireplugs, and deposit Keys at Engine Houses.

XXXVIII. And be it enacted, That the *Bradford* Waterworks Company and any other such Company as aforesaid shall from Time to Time renew and keep in effective Order every such Fireplug, and as soon as any such Fireplug is completed they shall deposit a Key thereof at each Place within the Limits of this Act where any public Fire Engine is kept, and in such other Places as may be appointed by the Council, and shall put up a public Notice in some conspicuous Place in each Street in which such Fireplug is situated, showing its Situation, which Notice the said *Bradford* Waterworks Company and any other such Company as aforesaid may put up on any House or Building in such Street.

Expenses of Fireplugs to be paid by the Council.

XXXIX. And be it enacted, That the Cost of such Fireplugs, and the Expense of fixing, placing, and maintaining the same in repair, and

and of providing such Keys as aforesaid, shall be defrayed by the Town Council.

Fireplugs may be placed near Manufactories, at the Request and Expense of Owners.

XL. And be it enacted, That the *Bradford* Waterworks Company and any other such Company as aforesaid shall, at the Request and Expense of the Owner or Occupier of any Work or Manufactory situate in any Street in which there shall be a Pipe of the *Bradford* Waterworks Company or such other Company respectively, place and maintain in effective Order a Fireplug (to be used only for extinguishing Fire) as near as conveniently may be to such Work or Manufactory.

Waterworks Company to allow Water to be taken for extinguishing Fires, without Compensation.

XLI. And be it enacted, That the said *Bradford* Waterworks Company and any other such Company as aforesaid shall allow all Persons at all Times to take and use such Water for extinguishing Fire, without making Compensation for the same.

Penalty for neglecting to fix or repair Fireplugs, or to furnish sufficient Supply of Water.

XLII. And be it enacted, That if, except when prevented as aforesaid, the *Bradford* Waterworks Company or any other such Company as aforesaid neglect or refuse to fix, maintain, or repair such Fireplugs, or to furnish to the Council a sufficient Supply of Water for the public Purposes aforesaid, upon such Terms as shall have been agreed on or settled as aforesaid, they shall be liable to a Penalty of Ten Pounds, and shall also forfeit to the Council the Sum of Forty Shillings for every Day during which such Refusal or Neglect shall continue after Notice in Writing shall have been given to the said *Bradford* Waterworks Company, or any such other Company as aforesaid, of the Want of Supply.

Pipes connected with Plugs to be kept at ordinary Pressure.

XLIII. And be it enacted, That the said *Bradford* Waterworks Company and any other such Company as aforesaid shall keep all the Main and other Pipes with which Fireplugs shall be so connected as aforesaid at the ordinary Pressure.

Certain Provisions of 10 & 11 Vict. c. 14. incorporated with this Act.

XLIV. And be it enacted, That the Provisions of "The Markets and Fairs Clauses Act, 1847," with respect to weighing Goods and Carts, and with respect to the Stallages, Rents, and Tolls to be taken by the Undertakers, shall (with the Exception of such Clauses as are expressly varied by or are inconsistent with this Act) be incorporated with and form Part of this Act; and the Expression "the Undertakers" shall mean and include the said Mayor, Aldermen, and Burgesses, or Council of the said Borough; and the Expressions "Stallages, Rents, and Tolls," and "Tolls," contained in the said last-mentioned Act, shall mean the Tolls to be fixed by the said Council of the said Borough for weighing Goods and Carts; and it shall be lawful for the said Council, by a Bye Law to be made in manner aforesaid, to fix the Amount of such last-mentioned Tolls: Provided always, that

that nothing herein contained shall in any Manner be deemed to take away any Rights or Privileges of the Ladies of the Manor of *Bradford*, or the Owners of the Markets and Fairs within the said Borough of *Bradford*.

Council to cause Streets, &c. to be lighted, and make a Rate for Payment of Expenses.

XLV. And be it enacted, That the Council shall from Time to Time direct what Street or Streets, Part or Parts of the said Borough, are to be lighted under this Act; and for defraying all the Costs and Expenses of and incident to lighting the Streets and Parts of the said Borough as the Council may from Time to Time direct to be lighted, the Council, once at least in every Year, shall make, assess, and levy a just and equal Rate or Assessment, under the Name of "The Lamp Rate," upon the several Occupiers of Tenements in the said Borough situate or being within or within the Distance of Two hundred Yards from any Street or continuous Line of Houses which is now or shall from Time to Time be lighted by One or more Lamp or Lamps by the said Council, under the Powers of this Act, (measuring such Distance by the nearest and most direct Line which can be supposed to be drawn between the same,) so that the Amount of such Rate shall not, except as is herein-after mentioned, exceed Eightpence in the Pound each Year upon the net annual Value of the Tenements to be charged therewith: Provided that when any Part of any House, Building, Field, Yard, or Tenement, except Land occupied as Arable, Meadow, Pasture, or Wood Land, is within the said Distance of Two hundred Yards from any such Street or continuous Line of Houses, then the whole of the same House, Building, Field, Yard, or Tenement, with its Appurtenances, shall be deemed and taken to be within the same Distance of Two hundred Yards.

Land, &c. to be charged to Rates in the Proportion of One Fourth of the net annual Value.

XLVI. Provided also, and be it enacted, That the Occupiers of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and the Occupier of any Land covered with Water, or used only as a Canal or Towing Path for the same, or as a Railway, constructed under the Powers of any Act of Parliament for public Conveyance, shall be assessed to the Rates to be made by virtue of this Act in respect of the same in the Proportion of One Fourth Part only of the net annual Value thereof.

So long as Parts subject to Watch and Lamp Rates are co-extensive, Watch Rate may be paid out of Lamp Rate.

XLVII. And be it enacted, That in all Cases when a Watch Rate may be made and levied in the said Borough, and those Parts of the Borough which are or shall be declared to be liable to Watch Rate shall be co-extensive with those Parts thereof which are or shall be subject to the Payment of the Lamp Rate, the Council of the said Borough may, if they shall think fit, order the Watch Rate so to be made to be paid out of the Lamp Rate to be made or collected in the said Borough: Provided nevertheless, that in such Case, and

during the Time that the said Watch Rate shall be paid out of the said Lamp Rate, the Amount of the Lamp Rate may amount to, but shall not exceed, the Sum of One Shilling and Sixpence in the Pound each Year upon the full annual Value of the Tenements to be charged therewith.

Liability to Rates not to disqualify Witnesses or Justices.

XLVIII. And be it enacted, That no Person, although rated or liable to the Payment of Money towards the Rates authorized to be raised under this Act, or any Act or Acts incorporated herewith, shall by reason thereof be deemed to be an incompetent Witness in any Proceeding before any Court of Justice, or any Judge, Justice, Commissioners, Arbitrator, or other Person, or be disabled to act as a Justice in the Execution of the same.

Justice not disabled from acting by reason of his being a Member of the Council.

XLIX. And be it enacted, That no Justice of the Peace shall be disabled to act as such Justice in any Matter referring to this Act, or any Act or Acts incorporated herewith, by reason of his being the Mayor or an Alderman or Councillor of the said Borough, or a Member of any Committee of the Council thereof.

As to Service of Writs, &c. on the Council.

L. And be it enacted, That any Summons, Notice, or Writ, or other Proceedings, at Law or in Equity, requiring to be served upon the Mayor, Aldermen, and Burgesses, or upon the Council, or upon any Committee thereof, may be lawfully served by delivering the same personally to the Mayor or Town Clerk, or Person acting as or for the Town Clerk, or the Clerk of the Committee on which the same is to be served, or by leaving the same at the Office of the Town Clerk.

Authentication of Notice.

LI. And be it enacted, That any Summons, Demand, or Notice, or other such Document under this Act, may be in Writing or Print, or partly in Writing and partly in Print, and if the same require Authentication by the Mayor, Aldermen, and Burgesses, or by the Council, or any Committee of the Council, the Signature thereof by the Mayor or Town Clerk, or any Person acting as or for the Town Clerk, or the Clerk of the Committee whose Authentication is required, shall be a sufficient Authentication.

Releases to Witnesses.

LII. And be it enacted, That in all legal Proceedings under this Act it shall be lawful for the Town Clerk, by the Order of the Council, to execute general or other Releases, for the Purpose of qualifying any Person in the Service of the Mayor, Aldermen, and Burgesses, or of the Council, to give Evidence as a Witness; and every such Release shall be under the Hand and Seal of the Town Clerk.

Power to Council to

LIII. And be it enacted, That it shall be lawful for the Council to direct any Prosecution for any public Nuisance whatsoever which shall

shall be committed or suffered within the said Borough, and for or concerning any Resistance to the Execution of this Act, or to the Authority of any Person acting under the same, and to direct and order the Expenses of any such Prosecution, or of any other Prosecution of which they shall defray the Expense, under "The Public Health Act, 1848," "The Town Police Clauses Act, 1847," or "The Towns Improvement Clauses Act, 1847," to be paid and borne by and out of the General District Rate herein-before mentioned.

direct Prosecutions.

LIV. And be it enacted, That all Fines, Penalties, and Forfeitures for any Offences under this Act, or under any Act the whole or any Part of which is incorporated herewith, shall be paid to the Treasurer of the said Borough, to be by him carried to the Account of the Borough Fund of the said Borough.

All Fines, &c. under this Act to be paid to the Treasurer of the Borough.

LV. And be it enacted, with respect to the making of Compensation, and the Recovery of Damages not specially provided for, and Penalties and Costs or Expenses, for or about any Matter arising under the Parts in this Act incorporated of "The Town Police Clauses Act, 1847," or "The Towns Improvement Clauses Act, 1847," or "The Gasworks Clauses Act, 1847," or "The Markets and Fairs Clauses Act, 1847," respectively, That such Compensation shall be settled, and such Damages, Penalties, Costs, and Expenses shall be recovered, according to the Provisions in such Behalf contained in "The Public Health Act, 1848."

Compensation, Damages, and Penalties to be recovered in manner directed by 11 & 12 Vict. c. 63.

LVI. And be it enacted, That it shall be lawful for any Justice who shall issue any Warrant of Distress for the Recovery of any Rate payable under this Act to order that the Costs of the Proceedings for the Recovery of such Rate shall be paid by the Person failing to pay such Rate; and such Costs shall be ascertained by such Justice, and levied by Distress; and the Justice shall include in his Warrant of Distress for the Recovery of the said Rate the Amount of such Costs, and shall issue his Warrant accordingly.

Costs of Proceedings for the Recovery of Rates to be included in the Warrants of Distress.

LVII. And be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Share, Stock, Mortgage, Bond, or other Security for Money, to be granted or made by virtue of the said Acts or this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated, anything herein or in the said Acts contained to the contrary notwithstanding.

Mortgages and Transfers, &c. to be stamped.

LVIII. And be it enacted, That the Costs, Charges, and Expenses attending or incident to the applying for and obtaining this Act shall be paid by the Treasurer of the said Borough out of the first Money which shall come to his Hands under the Provisions of this Act.

Expenses of Act.

LIX. And

Interpretation of Terms.

LIX. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Words "General or Quarter Sessions of the Peace" shall mean General or Quarter Sessions of the Peace for the West Riding of *Yorkshire*, or any other General or Quarter Sessions of the Peace which may have Jurisdiction within the said Borough:

The Word "Justice" shall mean the Mayor of *Bradford* for the Time being, and any Justice of the Peace acting in or for the said Borough of *Bradford*:

The Words "Borough," or "Borough of *Bradford*," shall mean the Borough of *Bradford*, comprising the Townships of *Bradford*, *Bowling*, and *Manningham*, and the Township of *Horton*, including the Hamlets of *Great* and *Little Horton*:

The Words "Council" and "Town Council" shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Bradford*, acting by the Council of the said Borough:

The Words "Mayor, Aldermen, and Burgesses" shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Bradford*:

The Word "House" or the Word "Houses" shall include any Messuage or Dwelling House, Tenement, Warehouse, Factory, Mill, Dyehouse, Manufactory, Building, or other Inclosure, and every Part thereof:

The Word "Officer" shall include a Person in the Receipt of a Salary or of any Fees or Emoluments arising from an Office or Employment:

The Word "Owner" in this Act, and any Act in whole or partly incorporated herewith, shall mean any Person receiving the Rents of the Property in respect of which that Word is used from the Occupiers of such Property, on his own Account or as Trustee or Agent for any other Person, or who would receive the same if such Property were let to a Tenant.

The Word "Streets" in this Act, and any Act in whole or partly incorporated herewith, shall include Turnpike Roads, notwithstanding anything contained to the contrary in the Parts herewith incorporated of "The Public Health Act, 1848."

Public Act

LX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1850.