CHAP. cliv.

An Act for extending the Boundaries of the Municipal Borough of Burnley; for defining and extending the Powers of the Corporation of the Borough in relation to the Improvement and Management of Streets in the Borough, and to Sewerage and to Police and other matters of Local Government, and to Gas and Water Supply and Markets; and for other purposes. [24th July 1871.]

A.D. 1871.

WHEREAS an Act was passed in the session of the ninth and tenth years of Her present Majesty, intituled "An Act for "better paving, lighting, cleansing, regulating, and improving the "town of Burnley in the county palatine of Lancaster, and for "better supplying the inhabitants thereof with water," whereby Commissioners were constituted and empowered for the purposes in that Act indicated: 9 & 10 Vict. c. cxix.

And whereas by "The Burnley Improvement Act, 1854," (in this Act called "the Act of 1854,") the first-mentioned Act was repealed, and the Commissioners were reconstituted and were empowered (within the respective limits in the Act of 1854 defined) to extend their waterworks, and to provide and maintain gasworks, and to make and maintain a cemetery, and baths, wash-houses, and bathing places, and further powers of improvement were conferred upon them: 17 & 18 Vict. c. lxvii.

And whereas on the twenty-fourth day of October one thousand eight hundred and sixty-one the inhabitants of the town of Burnley (as the limits thereof were defined in the third section of the Act of 1854) were incorporated by Royal Charter by the name of "The Mayor, Aldermen, and Burgesses of the Borough of Burnley," (in this Act called "the Corporation,") and the powers and provisions of the Municipal Corporation Acts were extended to the borough thereby constituted:

A.D. 1871.

And whereas the rights, powers, estates, property, and liabilities of the Commissioners under the Act of 1854 were in the year one thousand eight hundred and sixty-two duly transferred to the Corporation:

And whereas the Commissioners prior to the year one thousand eight hundred and sixty-two, and the Corporation since, did by resolution adopt and apply to the said borough divers parts of "The Public Health Act, 1848," "The Local Government Act, 1858," and "The Local Government Act (1858) Amendment Act, 1861," and the provisions so adopted and applied are now in force in relation to the said borough, and divers other general Acts or parts thereof have been adopted and are now in force within the said borough:

And whereas by a provisional order confirmed by "The Local Government Supplemental Act, 1865," the 82nd section of the Act of 1854, relating to the charges for the supply of gas, was repealed and other provisions substituted in lieu thereof:

28 & 29 Vict. c. ccxxx.

And whereas by "The Burnley Market Act, 1865," (in this Act called the Act of 1865,) the Burnley Market Company were incorporated and authorised to acquire markets, and to provide and maintain markets and slaughter-houses within the limits therein defined:

And whereas under the authority of the Act of 1865 the rights, powers, estates, property, and liabilities of the Burnley Market Company were in the month of January one thousand eight hundred and sixty-six duly transferred to the Corporation:

And whereas it is highly inconvenient for the borough that there should be in force therein a variety of provisions affecting the improvement and government of the borough, and the health and comfort of the inhabitants thereof, comprised in different Acts not uniform in language and sometimes conflicting in effect, and it is therefore expedient to consolidate the enactments in force relative to the improvement and government of the borough, the gas and water supply, the markets, and other matters, and to simplify and amend the same:

And whereas it is expedient at the same time to extend in various respects the powers of the Corporation relative to matters comprised in those enactments, and to other matters of local government:

And whereas it is expedient that the boundaries of the said borough be extended as provided by this Act:

And whereas it is expedient to make provision for dividing the extended borough into eight wards:

And whereas it is expedient to empower the Corporation to acquire and regulate fairs within the extended borough:

And whereas it is expedient to make better provision for the sewerage of the borough:

And whereas it is expedient to vary and define the respective limits within which the Corporation may exercise their respective powers:

And whereas the position with respect to incumbrances and sinking fund and borrowing powers of the Corporation was on the thirtieth day of June one thousand eight hundred and seventy such as is shown in the First Schedule to this Act:

And whereas it is expedient that the Corporation be authorised to borrow further moneys, and that better provision be made respecting securities for the repayment of and other matters relative to money already borrowed by the Corporation:

And whereas the 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, as follows; (that is to say,)

I.—PRELIMINARY.

Short title.

1. This Act may be cited as "The Burnley Borough Improvement Act, 1871."

Commencement of Act.

2. Except where otherwise provided, this Act shall commence from and immediately after the first Monday after the passing of this Act.

Interpretation of terms.

3. In this Act the following words and expressions shall have and include respectively the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

The term "existing borough" means the municipal borough of Burnley according to the limits thereof at the passing of this Act:

The term "the borough" means the municipal borough of Burnley as altered and extended by this Act; and the terms "the Corporation," "the mayor," "the council," "the town clerk," "the treasurer," "the surveyor," "the market inspector," "the sanitary inspector," and "the borough fund," mean respectively the mayor, aldermen, and burgesses of the borough, and the mayor, the council, the town clerk, the treasurer, the surveyor, the market inspector, and the sanitary inspector for

A.D. 1871.

the time being of the borough, and the borough fund of the borough:

The term "the Municipal Corporation Acts" means the Act of the session of the fifth and sixth years of King William the Fourth (chapter seventy-six), "to provide for the regulation of Municipal Corporations in England and Wales," and all Acts for the time being in force amending the same, or otherwise relating to municipal corporations in England:

The term "person" includes an incorporated company and a corporation aggregate or sole:

The term "justice" means a justice of the peace for the borough or for the county palatine of Lancaster:

The term "two justices" means two or more justices assembled and acting together in petty sessions for the said borough or county, or any stipendiary magistrate acting for the borough:

The term "court of quarter sessions" means the court of general or quarter sessions for the said county holden at Preston:

The term "street" includes the whole or any part of any square, street, back street, highway, road, lane, carriageway, bridge, thoroughfare, footway, or pathway made before or after the commencement of this Act:

The term "court" means the whole or any part of any court, alley, entry, passage, yard, way, or place made before or after the commencement of this Act and used with or appurtenant to two or more dwelling-houses, and which is not a thoroughfare:

The term "back street" means every street intended only to be used as an access to the back of any building:

The term "new street" means any street, court, back street, or yard begun after the commencement of this Act by any person:

The word "lands" shall extend to messuages, lands, tenements, and hereditaments of any tenure:

The term "building" includes all dwelling-houses, messuages, tenements, warehouses, mills, manufactories, structures, walls, chimneys, shafts, and erections:

The term "privy" includes watercloset, earth-closet, or other place for the reception of fæcal matter and urinal or place used as an urinal:

The term "middenstead" includes any deposit of or receptacle for ashes, dust, dirt, rubbish, soil, refuse, nightsoil, dung, litter, sewage, or animal or vegetable matter or filth:

The term "owner" means the person who for the time being receives the rackrent of the lands with reference to which that term is used, whether on his own account or under or by virtue

of any mortgage or charge, or as agent or trustee for any other person, or who would so receive the same if such lands were let at a rackrent, and includes every successive owner from time to time of such lands for any part of the time during which the enactment wherein that term is used operates in relation to such lands:

The term "occupier" means the person for the time being in actual occupation or possession of the lands with reference to which that term is used:

The term "drain" means any drain, pipe, channel, ditch, or gutter made or used for the drainage of one building only, or of buildings or lands within the same curtilage:

The term "sewer" means a culvert or channel for the passage of water, sewage, or refuse, and not being a drain as herein-before defined:

The term "gas rent" includes every sum of money payable to the Corporation for a supply of gas:

The term "water rent" includes every sum of money payable to the Corporation for a supply of water:

The term "slaughter-house" includes a knacker's yard and any building or place used for slaughtering cattle:

The term "any offensive matter or thing" includes any night-soil, offal, putrid meat, putrid vegetables, putrid fruit, or putrid fish, entrails, carrion, dead animals, blood, dung, manure, shells, bones, dust, rubbish, dirt, litter, ashes, soap lees, gas lime, refuse water from print works, or refuse of any kind:

The term "cart" includes any vehicle made or used for the conveyance of articles in any street, whether drawn by animal power or otherwise:

The term "carriage" includes any vehicle of what nature soever made or used for the conveyance of persons in any street, and shall include a hearse:

The term "cattle" includes any horse, mare, gelding, foal, or filly, bull, cow, heifer, ox, calf, ass, mule, ram, ewe, wether, lamb, goat, kid, or swine:

The term "article" includes any commodity, and also any animal comprised in the definition of cattle in this Act:

The term "driver" means the driver, conductor, or carter of any cart or carriage or animal:

And in this Act, or in any Act incorporated herewith, the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a simple contract debt, and not a debt or demand created by statute.

A.D. 1871.

Repeal and discontinuance of enactments in Second Schedule.

4. From and after the commencement of this Act the Acts described in the Second Schedule hereto, Part I., shall be repealed, and the Acts described in the same Schedule, Part II., shall cease to apply to the borough, and to all places within any of the respective limits defined in the Act of 1854.

Partial repeal of charter.

5. So much of the said charter as is inconsistent with or contrary to the provisions of this Act shall be repealed, but in all other respects the said charter is hereby confirmed.

Extent of Act.

6. This Act shall (except where it is expressly provided otherwise) apply to and within the borough exclusively.

Act to be executed by council.

7. This Act shall be carried into execution by the Corporation acting by the council, and according to the Municipal Corporation Acts and other laws for the time being affecting the Corporation, and with all the rights, powers, privileges, and authorities conferred by those Acts and laws on the Corporation, and on the council and committees of the council, and the officers, agents, and servants of the Corporation, with respect to matters provided for by or comprised in the Municipal Corporation Acts, and as nearly as may be in all respects as if the powers, duties, and property vested in, imposed on, or enjoyed by the Corporation by or under this Act were vested in, imposed on, or enjoyed by them by or under the Municipal Corporation Acts.

Regulations as to committees of council.

8. Where, under the authority of the Municipal Corporation Acts, the council appoint out of their own body any committee for the execution of any of the purposes of this Act, they may delegate to each such committee such of the powers and duties of the Corporation under this Act as the council think fit, and the acts and proceedings of every such committee within the limits of such delegation shall be deemed the acts and proceedings of the council, and the quorum of each such committee shall be such as the council direct; and the council may from time to time make such regulations as they think fit for the guidance of any such committee, and the council may from time to time remove any members of any such committee, and appoint in the stead of them, or any of them, other members of the council.

II.—EXTENSION OF BOROUGH AND DIVISION INTO WARDS.

Limits of existing borough extended.

9. The limits of the existing borough shall be and the same are hereby extended and enlarged, so that the borough shall henceforth consist of so much of the townships of Burnley and Habergham Eaves as lies within the following boundary; (that is to say,)

From a mere-stone to be placed on the north-westerly side of the river Brun where the limits of the existing borough intersect that river below Hesandford, thence in a straight line northerly to a mere-stone to be placed in Burnley Lane at the southerly corner of land belonging to the Burnley Union upon which the proposed new workhouse is to be erected, thence in a straight line westwards to a mere-stone to be placed on the east side of the Blackburn and Cocking End turnpike road at a point where the boundary of the township of Burnley intersects the said road, thence in a westerly direction along the said township boundary up to the point where such township boundary first touches the embankment of the Leeds and Liverpool Canal, thence in a southerly direction along the easterly side of the said canal to the limits of the existing borough near Old Hall Bridge, thence in a westerly and south-westerly direction along the limits of the existing borough to the southerly side of the said canal near to Whittlefield, thence in a westerly direction along the southerly side of the said canal to the north entrance of Gannow tunnel of the said canal, thence in a straight line westwardly to the angle formed by the junction of the townships of Habergham Eaves and Ightenhill Park at Tim Bobbin public-house, thence in a north-westerly direction along the boundary of the township of Habergham Eaves up to a mere-stone to be placed opposite the westerly side of the entrance of the road to Woodbine Cottage, thence southerly along the western side of the footpath to the Leeds and Liverpool Canal at Maiden Bridge, thence in a direct line across the said canal and westwardly along the south side of the said canal to Lower House Bridge, thence southerly along the centre of the road to the bridge over the Lancashire and Yorkshire Railway near to Rosegrove, thence easterly along the northerly side of the said railway to the bridge carrying the said railway over the tramway leading from Barclay Hills Colliery to Gannow, thence southerly in a straight line to a mere-stone to be placed at the south-eastern angle formed by the junction of Coal Clough Lane and Stoops Lane at Four Lane Ends, thence easterly to a mere-stone to be placed on the westerly side of the Manchester Road near Hood House, where the limits of the existing borough intersect that road, thence easterly along such limits to the easterly side of the Lancashire and Yorkshire Railway near Towneley Station, thence in a south-easterly direction along the easterly side of the said railway to the bridge carrying such railway over the township highway leading from

A.D. 1871.

Causeway End to Blackrock, thence easterly along such highway to the Burnley and Rochdale turnpike road at Causeway End, and thence in a straight line across such road and northerly along the easterly side thereof to the south side of the footpath called the Rabbit Walk, thence eastward along the southerly side of the said footpath to the river Calder, thence north-westerly along the westerly side of the said river to the limits of the existing borough, and thence in a northerly and north-westerly direction along such limits to the mere-stone first above mentioned;

and which said extended limits are shown on a plan of the borough as included within a line coloured red thereon, which plan is signed by the Honourable Dudley Francis Fortescue, Member of Parliament, and deposited in the Private Bill Office of the House of Commons, and a duplicate of such plan, also so signed, is deposited with the town clerk at his office.

Penalty for removing, &c. mere-stones.

10. The mere-stones described in the preceding section shall be well and truly fixed in the respective described places within three months after the passing of this Act, and any person who shall pull down, remove, take away, destroy, alter, or deface any mere-stone so fixed, unless by the written authority of the Corporation, shall be liable to a penalty not exceeding twenty pounds, or, in default of payment, to imprisonment for not exceeding one month.

Certified copies of deposited plan to be evidence.

11. Copies of the said plan deposited with the town clerk, or any extract therefrom certified by the town clerk to be true, shall be received in all courts of justice or elsewhere as evidence of the contents of such plan, and such plan shall at all reasonable times be open to the inspection of the burgesses of the borough, and all persons interested shall be entitled to a copy of or extract from such plan certified by the town clerk upon payment of a reasonable fee for every such copy or extract.

Lands, &c. added to borough to be subject to Municipal Acts, &c.

12. The lands, houses, buildings, roads, and works, precincts and places by this Act added to the existing borough, and included within the metes and bounds of the borough, shall henceforth be and be deemed part of the municipal borough of Burnley to all intents and purposes whatsoever as if they had been comprised in the existing borough, and, subject to the provisions of this Act, all the powers and provisions of the said charter and of the Municipal Corporation Acts now applicable to the existing borough or any part thereof shall respectively apply to the same lands, houses, buildings, roads, and works, precincts and places, and to the borough

and the inhabitants thereof and other persons therein, and shall henceforth be exercised and put in force throughout the same, in all respects as if the borough had been described or referred to in the said charter instead of the existing borough.

Corporation to continue by its present name.

13. Notwithstanding the extension of the boundaries of the existing borough, the Corporation of the borough shall continue by its present name, and by that name shall continue to have perpetual succession, and to have and use a common seal, and shall continue seised and possessed of all estates and property of every description now vested in it in any capacity, and, subject to the provisions of this Act, shall have, hold, possess, enjoy, and exercise for the benefit of the borough all the powers, rights, privileges, advantages, and immunities which at the commencement of this Act are vested in the Corporation for the benefit of the existing borough.

Borough exempt from highway rates.

14. On and after the commencement of this Act all lands, buildings, and hereditaments within the borough, and all persons in respect of the same, shall be exempt from the payment of and all liability to be assessed to all highway rates of the said townships of Burnley and Habergham Eaves respectively from time to time raised by those townships respectively.

Exemptions from rates not to affect rates payable before commencement of Act.

15. Provided that the aforesaid exemptions shall not exempt any person from the payment of any rate assessed and payable before the commencement of this Act, but all such rates assessed and payable before that date shall be paid and recovered as if this Act were not passed.

Road trustees not to collect tolls within borough.

16. The trustees of any turnpike road shall not collect any toll on any road within the borough, or lay out any money thereon.

Corporation to pay costs of erecting toll-houses and gates in lieu of such as shall be useless, &c

17. The Corporation shall and they are hereby authorised and required to pay to the trustees of the respective turnpike roads, other than the Rochdale and Burnley turnpike road, whereon or by the side whereof the several toll-houses now standing and being within the borough are situate (which will become useless and unnecessary from and after the commencement of this Act by reason of the trustees being restrained as aforesaid from collecting toll within the borough, and in respect whereof it will be requisite for such trustees respectively to erect other toll-houses and to remove the present toll-gates), all the reasonable costs, charges, and expenses which shall be incurred by such trustees respectively, or be in any way incident to the providing sites in such places as such trustees shall respectively require, and also in any way incident to the building and erecting another toll-house in lieu of and of similar construction and dimensions and in all respects as commodious as the toll-house so

A.D. 1871.

becoming useless, and also the expenses of and incident to the taking down of any such toll-house, and removal of any present toll-gate, and the re-erecting of the same at or near any such new toll-house, and such costs, charges, and expenses, in case of dispute about the same, shall be ascertained, settled, and recovered as is herein provided for the recovery of expenses, charges, or damages payable under this Act, and for the recovery of which no method is herein provided; and the Corporation shall, at the time of the commencement of this Act, pay to the trustees of the Rochdale and Burnley turnpike road as and for compensation for the cesser of the levying and taking of tolls on their road within the borough, and for the removal of the toll-gate and toll-house of the said trust now standing and being within the borough to without the borough, and for providing sites for that purpose, and for the re-erecting there of a new toll-gate and toll-house, and for all costs and expenses of and incident to such matters, the sum of seven hundred and twenty-five pounds, and the receipt of the treasurer for the time being of the said turnpike trust shall be an effectual discharge to the Corporation for the same, and shall exonerate them from all obligation to see to and all responsibility for the application thereof, and in case of delay in payment of the said sum of seven hundred and twenty-five pounds, or any part thereof, the Corporation shall pay interest at the rate of five pounds per centum per annum upon the amount unpaid.

Provision as to Rochdale and Burnley turnpike road.

Borough divided into eight wards.

18. The borough shall be divided into eight wards, the names and boundaries of which shall be ascertained in manner herein-after provided, and the overseers of the poor of the townships of Burnley and Habergham Eaves shall prepare the burgess list for the year one thousand eight hundred and seventy-one, and (subject to the provisions of this Act) all subsequent burgess lists accordingly.

Barrister to be appointed to set out boundaries of wards.

19. One of Her Majesty's Principal Secretaries of State shall forthwith appoint a barrister for the purpose of determining the names and boundaries of such wards, and he shall set out within the period of one calendar month after his appointment the extent, limit, and boundary lines of such wards, and what portions of the borough shall be included therein respectively, and a copy of the particulars of such division shall be forthwith transmitted to one of Her Majesty's Principal Secretaries of State, and, subject to the approval of Her Majesty, by the advice of her Privy Council, shall be published in the London Gazette, and another copy of such particulars shall be delivered to the town clerk to be by him safely kept among the public documents of the borough, and the borough shall, after such publication, be deemed to be divided into eight wards accordingly,

and such division shall continue to be in force until the same shall be altered by authority of Parliament: Provided that if Her Majesty, by advice of her Privy Council, shall not approve such division, such publication as aforesaid shall nevertheless be made, and such division be in force for the purposes of any election under the provisions of this Act, and until such time as Her Majesty, by advice of her Privy Council, upon further information and report from such barrister, definitively approve the division of the borough into wards in manner herein-before mentioned.

Power to examine rate books and administer oaths.

20. The said barrister shall have power—

(*a.*) To require any overseer or person having custody of any book containing any rate made for the relief of the poor in the townships of Burnley and Habergham Eaves, or either of them, to produce such book before and allow the same to be inspected by him:

(*b.*) To administer an oath to the overseers, and to all other persons, who are hereby required to answer upon oath all such questions as the said barrister may put to them, or any of them, touching any matter which he may deem necessary for enabling him to execute the duties by this Act imposed upon him.

Expenses of division.

21. The costs and expenses occasioned by such division shall be paid and discharged, and such barrister shall be remunerated at the rate of five guineas for every day he shall be so employed over and above his travelling and other expenses, out of the borough fund.

Number of councillors and aldermen to each ward.

22. Each of the said eight wards shall return three councillors, and be represented by one alderman.

Assignment of aldermen and councillors to each ward.

23. Within one month after the said division the council shall by resolution assign the present eight aldermen and twenty-four councillors, or such of them as shall then be in office, and the persons (if any) who may prior to such resolution be elected in the stead of any who may have ceased to be in office, amongst the eight wards, so that there shall be one alderman and three councillors to each ward, and so that the three councillors for each ward shall be councillors who would respectively retire successively from office on the first of November one thousand eight hundred and seventy-one, the first of November one thousand eight hundred and seventy-two, and the first of November one thousand eight hundred and seventy-three: Provided always, that such assignment shall not take actual effect until the first day of November one thousand eight hundred and seventy-one.

A.D. 1871.

Constitution of the council.

24. The council shall continue to consist (including a mayor) of eight aldermen and twenty-four councillors, who shall be respectively elected at such times and places, and in such and the same manner, as is provided by the Municipal Corporation Acts: Provided always, that on the first day of November one thousand eight hundred and seventy-one the aldermen and councillors who shall by the said resolution have been assigned respectively to the said eight wards, or such of them as remain in office, and the persons (if any) who may prior to that date be elected in the stead of any who shall have ceased to be in office, shall be the aldermen and councillors of the ward to which they have been so assigned, and unless re-elected shall continue in office so long only as they would have continued in office if this Act had not been passed.

Ward assessors.

25. The assessors for the four existing wards and their respective deputies, or such of them as remain in office, and the persons (if any) elected or appointed respectively in the stead of any who shall have ceased to be in office prior to the first day of March next, shall until the first day of March next be the assessors for the said eight wards, on which day new assessors for each of those wards shall be elected pursuant to the provisions of the Municipal Corporation Acts, and the council, immediately after the said division into wards, shall by resolution assign the present assessors and deputies and the persons aforesaid among the eight wards, so that there shall be two to each ward.

Auditors and revising assessors.

26. The auditors and revising assessors of the existing borough, or such of them as remain in office, and the persons (if any) elected in the stead of any who shall have ceased to be in office prior to the first day of March next, shall continue to be auditors and revising assessors respectively for the borough until the first day of March next, on which day new auditors and revising assessors shall be elected pursuant to the Municipal Corporation Acts.

Elections prior to 1st November 1871.

27. Provided always, that any vacancy in the offices of councillor, ward assessor, auditor, or revising assessor of the borough occurring before the first day of November one thousand eight hundred and seventy-one shall (if it shall be filled up before that day) be filled up in the same manner as it would have been if this Act had not been passed.

III.—STREETS AND HIGHWAYS, ROADS AND PATHS.

Management of streets vested in Corporation.

28. The management of all streets which are at the commencement of this Act or thereafter become public highways, and the pavements and other materials as well in the footways as in the

carriageways of such streets, and all buildings, materials, implements, and other things provided for the purposes of the highways by the surveyors of highways, or by the Corporation, shall belong to the Corporation.

Corporation to be surveyors of highways.

29. The Corporation exclusively shall be the surveyors of highways, and shall have all such powers and authorities, and be subject to all such liabilities, as any surveyors of highways are invested with or subject to by virtue of the laws for the time being in force.

Corporation liable to indictment for want of repairs.

30. The Corporation shall be deemed guilty of a misdemeanor for refusing or neglecting to repair any public highway, and shall be liable to be indicted for such misdemeanor in the same manner as inhabitants are ordinarily by law liable to be indicted in the like case.

Power to pave streets, &c.

31. The Corporation from time to time may cause all or any of the streets under their management to be paved, flagged, macadamised, or otherwise made good, maintained, and repaired, and the ground or soil thereof to be raised, lowered, or altered, in such manner and with such materials as they think fit, and may pave, make, and repair, with such materials and in such manner as they think fit, any footways for the use of passengers in any such street, making compensation to any person sustaining any damage by reason of the ground or soil of any street being raised, lowered, or altered.

Where public streets have not theretofore been paved Corporation may cause them to be paved at the expense of the occupiers of adjoining lands.

32. If any street, although a public highway at the passing of this Act, have not theretofore been well and sufficiently paved and flagged or otherwise made good, the Corporation may cause such street, or the parts thereof not so paved and flagged or otherwise made good, to be paved and flagged or otherwise made good in such manner as they think fit, and the expenses incurred by the Corporation in respect thereof shall be repaid to them by the occupiers of the lands abutting on such street, or such parts thereof as have not been theretofore well and sufficiently paved and flagged, or otherwise made good, and such expenses shall be recoverable from such occupiers respectively as herein-after provided with respect to new street expenses, and thereafter such street shall be repaired by the Corporation out of the rates levied under this Act.

Streets may be stopped for repairs, &c.

33. The Corporation may stop up any street, and prevent all persons from passing along and using the same, for a reasonable time during the construction, alteration, repair, or demolition of any sewer or drain, or the repair or improvement of the carriage or foot way of such street, or the execution of any other work authorised by this Act.

A.D. 1871.

Power to set up posts for guarding footways.

34. The Corporation may continue, or from time to time place and maintain, in any street any posts, pillars, rails, bars, chains, or other fence, permanent or temporary, for the protection of passengers and traffic, or for preserving any footway clear from annoyance, or for prevention of accidents, and may place posts in the carriageway of any street so as to make the crossing thereof less dangerous to passengers.

Penalty for altering any post, pavement, &c. without consent of Corporation.

35. If any person displaces, takes up, or alters any post, pillar, rail, bar, chain, or other fence, permanent or temporary, continued or placed in any street by the Corporation, or the pavement, flags, curb or channel stones, or other materials of any street under the management of the Corporation without their consent in writing or other lawful authority, or damages any such post, pillar, rail, bar, chain, or fence, or any such pavement, flags, curb or channel stones, or other materials, he shall be liable to a penalty not exceeding five pounds, and the Corporation may reinstate the street, and the thing displaced, taken up, altered, or damaged, and recover the expenses from him.

Definition of buildings in streets.

36. For the purposes of this Act buildings and lands shall be deemed to be in a street when they abut upon a street or when only some portion of waste or unoccupied ground open to the passage of the public intervenes between any such building or lands and a street.

Approval of new streets.

37. The mode of construction of every new street, and the materials to be employed therein, shall be subject to the approval of the Corporation.

Notices, plans, &c. of new streets.

38. Every person who intends to make a new street shall give notice to the Corporation of such intention by writing, left at the surveyor's office, and shall at the same time leave there the following documents; (videlicet,)

(1.) A plan of the street on a scale of not less than one inch to forty feet, showing the names of the owners of the lands through or over which the street will pass, its level, width, direction, mode of construction, and name, and its position relatively to the streets nearest to it:

(2.) A section of the street on the same scale, and on a vertical scale of not less than one inch to ten feet, showing the level of the then surface of the ground above some known fixed datum, the level and rate of inclination of the street, and the levels and inclinations of the streets with which it will be connected, and the proposed mode of sewering the same:

Every such plan and every such section shall contain the name and address of the person intending to make the street, and be signed by him or his duly authorised agent.

Power of approval of new streets.

39. The Corporation shall approve or disapprove of an intended new street within six weeks after receipt of the notice required by this Act; and if they do not disapprove within that period, then at the end of that period they shall be taken to have approved.

Width of new streets.

40. Every new street intended for carriage traffic shall be laid out and formed at least thirty-six feet wide, unless a less width is in any case consented to by the Corporation, on account of the street being a back street, or on account of other special circumstances stated in the order giving such consent, and then at least of the width so consented to; and the Corporation shall determine in each case what proportions of the width of every such new street shall be laid out as carriageway and footway respectively; and every new street intended for foot traffic only shall be laid out and formed at least twelve feet wide; and the width of a new street shall be measured at right angles to its course, and so as to include the whole space dedicated to or used by the public, exclusive of any steps or projections: Provided nevertheless, that where land shall at the time of the passing of this Act be laid out and planned, or partially laid out and planned, for building purposes and building operations actually commenced thereon pursuant to such building plan, so as to prevent altogether a compliance with the above regulations as to width of streets, or so as to render it impossible to comply therewith without damage to the land or loss to the owner, the Corporation shall not have power to insist on streets intended for carriage traffic of greater width than thirty feet, and streets intended for foot traffic only of greater width than ten feet.

Power to Corporation to block up new streets of less than authorised width.

41. The Corporation may erect barriers so as to prevent passage through or along any new street made of less than such respective prescribed width, unless the Corporation shall have consented thereto, and if any person without their consent throw down or damage any such barrier or any part thereof, or instigate any person so to do, every such person shall for every such offence forfeit a sum not exceeding five pounds.

Works for drainage of new streets.

42. The level and width of a new street having been approved by the Corporation, the surveyor shall, with the approval of the Corporation, specify the depth and inclination, form, size, materials, and other particulars of the sewers and their appurtenances, according to which the works for the proper drainage of the street and of the adjoining properties shall be executed.

A.D. 1871.

Notice of irregularity in making new streets.

43. If in the making of a new street, or the execution of any work connected therewith, anything is done in contravention of this Act, or anything required by this Act is omitted, the surveyor may, within forty-eight hours after obtaining knowledge thereof, give to the person making the street, or his agent, notice in writing requiring him, within a time specified in the notice, to amend what has been so done in contravention, or to do what is so required, and if such person fails to comply in any respect with the requirements of the present section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such failure continues after conviction for the first offence.

Penalties for breach of rules as to notices, plans, &c. of new streets.

44. If any person begins to make a new street without giving the notice required by this Act, or before the expiration of six weeks from the receipt by the Corporation of that notice, if given, or the previous approval of the Corporation, or begins to make a new street which has been disapproved by the Corporation, or, after the Corporation has approved of a new street, makes, either before or after completion thereof, any alteration in the whole or any part thereof so approved, without further previous approval by the Corporation of the alteration, or does anything in contravention of this Act, or omits to do anything required by this Act, or by the Corporation or surveyor under the authority of this Act, with reference to the making of a new street, he shall be liable to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding forty shillings for every day during which such offence continues after the expiration of a time to be determined in that behalf by the justice before whom he is convicted of the original offence.

Power to cause certain streets to be sewered and paved, &c. by owners.

45. If at any time any street (not being a highway repairable by the inhabitants at large) formed, set out, or laid out, either before or after the commencement of this Act, is not sewered, drained, levelled, flagged, and paved or macadamised to the satisfaction of the Corporation, they may at any time and from time to time order that it be freed from obstruction, sewered, drained, levelled, flagged, paved, macadamised, and otherwise completed with such materials, at such levels, with such inclinations, and with sewers and drains of such dimensions, and that the soil thereof be raised, lowered, or altered in such manner and within such time as the order directs, and thereupon the respective owners of the buildings and lands in such street shall at their own respective expense remove all obstructions in, upon, or under, and sewer, drain, level, flag, pave,

macadamise, and otherwise complete such street within the time and in the manner prescribed in the order.

Courts to be paved.

46. Every court shall be well and sufficiently paved, flagged, channelled, sewered, and drained to the satisfaction of the Corporation by the owners of the lands abutting thereon, and having the right to the use thereof, and if at any time such court be not so paved, flagged, channelled, sewered, and drained, and kept in good repair to the like satisfaction, the Corporation may at any time and from time to time order the same to be paved, flagged, channelled, sewered, and drained, or repaired to their satisfaction; and thereupon the said owners shall, at their own respective expense, do the work required by such order.

Publication of orders for sewering and paving, &c. streets.

47. Every such order as in the two last preceding sections is mentioned shall be published once in each of two successive weeks in some newspaper circulating within the borough, and shall be publicly posted in the street or court to which it relates for three successive weeks, and such publication thereof shall be sufficient notice to all owners, lessees, tenants, occupiers, and others interested in any buildings or lands in the street or court to which such order relates.

On owner's neglect to sewer and pave, &c. Corporation may do the work at his expense.

48. If any work required to be done by any such order is not commenced within one month after the last publication of such order, or if any such work when commenced is not carried on without unreasonable delay, or if any such work is not completed within the time and in the manner prescribed in the order, the following provisions shall apply to every such case; (namely,)

(1.) The Corporation may at any time and from time to time remove all obstructions in, upon, or under, and sewer, drain, level, flag, pave, macadamise, or otherwise complete, in such manner as they think fit, the street or court to which the order relates, or such part thereof as is not done in accordance with the order:

(2.) The Corporation may charge the several owners of buildings or lands in the street or court with the expenses of the execution by them of those works, or incidental thereto, including a commission not exceeding the rate of five per centum on the amount of such expenses in respect of the cost of the Corporation of the surveying and superintendence of those works (which expenses and commission are comprised in the term "new street expenses" where used in this Act):

A.D. 1871.

(3.) New street expenses shall be charged to such owners in proportion to the extent of the frontage of their respective buildings and lands in the street or court:

(4.) Such proportion shall be ascertained and settled by the surveyor, and the apportionment by him shall be binding and conclusive on all parties, unless the same is by written notice disputed within one month from the time of notice being given by the Corporation of the apportionment:

(5.) Any such dispute shall be settled by the judge for the time being of the county court held in the borough:

(6.) Notwithstanding any such dispute, such interest on new street expenses as is hereafter in this Act provided for shall commence, as against each such owner, from the expiration of one month from the time of demand by the Corporation of his proportion of new street expenses:

But the exercise of the powers of the present section shall be subject to the following provisions; (namely,)

(1.) The owner of any such building or lands shall not be liable to be charged for the repair of any public highway that crosses any such street or court:

(2.) The expense occasioned by the construction of any main sewer in any street or court of a larger size than would have been requisite merely for the drainage of such street or court (such expense to be ascertained and settled by or under the direction of the Corporation) shall, where such larger size is for the accommodation of the sewers of any other street or court falling into it, be paid by the owners of the lands abutting on such other street or court in proportion to their respective frontages therein, and such expenses may be recovered as damages.

Disposal of materials in streets sewered and paved.

49. The Corporation may appropriate, use, and dispose of any old materials existing in any street or court at the time of the execution by the Corporation of any works in such street or court, under the foregoing provisions, allowing such sum as the surveyor may fix to be the value thereof to the owners of buildings and lands in such street or court, in proportion to their interest therein, unless such owners, within twenty-four hours after notice from the Corporation so to do, remove such materials, or their respective proportions thereof, and any stone, gravel, clay, or other material produced in the course or in consequence of the execution by the Corporation of any such works may be used by them in the execution of any works under this Act, and, in case of their so using the same, the value thereof, to be fixed by the surveyor, shall be paid or

allowed by the Corporation to the owners of buildings or lands whose property has produced the same.

Streets when sewered, paved, &c. to be public highways.

50. When any street has been freed from obstruction, sewered, drained, levelled, flagged, paved, macadamised, or otherwise completed to the satisfaction of the Corporation, they shall by a declaration recorded among the proceedings of the council declare the same to be a public highway, unless the owner or owners of buildings and lands in such street, extending for not less than four fifths of the frontage of such street, object thereto by notice in writing served on the Corporation within one month after notice of the intention of the Corporation to make such declaration has been put up in some conspicuous part of the street, and from and after any such declaration the street to which the same relates shall be a public highway, and be repairable accordingly.

Streets may be sewered only or paved only and expenses recovered.

51. The Corporation may, under and according to the foregoing provisions, order any street to be sewered, drained, and levelled only, without also requiring it to be flagged and paved or macadamised; and in that case all the provisions of this Act with respect to the sewering, draining, levelling, flagging, paving, macadamising, or otherwise completing of streets shall be applicable to the sewering, draining, and levelling only of such street, and the expenses thereof and incidental thereto, including such commission as aforesaid, shall be deemed new street expenses, but a street sewered, drained, and levelled only shall not be declared to be a highway until it has also been flagged, paved, or macadamised, and otherwise completed to the satisfaction of the Corporation, and if the Corporation at any time after any street is sewered, drained, and levelled, think proper to have the same flagged, paved, macadamised, or otherwise completed, all the provisions of this Act with respect to sewering, draining, levelling, flagging, paving, macadamising, or otherwise completing of streets, shall be applicable to flagging, paving, macadamising, or otherwise completing only of such street, and the expenses thereof or incidental thereto, including such commission as aforesaid, shall be deemed new street expenses.

Power to require alteration of levels of streets.

52. The Corporation may from time to time by order, in conjunction with any order authorised by this Act relative to the formation of any street, direct that the level of any street be altered so as to be adapted, in such manner and to such extent as the Corporation think fit, to the level of any adjoining or other street, making compensation to owners and occupiers of buildings and lands for any

A.D. 1871.

damage or expenses sustained or incurred by them by reason or in consequence of the execution of such order.

Power to define new streets.

53. The Corporation may from time to time by order declare the points at which any street is for the purposes of this Act to be taken as beginning and ending.

Exemption of incumbent or minister of church, chapel, &c. from new street expenses.

54. An incumbent or minister of a church or chapel consecrated or licensed, or a minister or trustee of a chapel or meeting-house appropriated to public religious worship, and certified and recorded as such according to law, shall not be liable to any new street expenses as owner or occupier of such church, chapel, or meeting-house, or of any churchyard or burial-ground attached thereto, nor shall any new street expenses be a charge on such church, chapel, meeting-house, churchyard or burial-ground, or subject the same to distress, execution, or other legal process; and the Corporation may, if they think fit, execute any works from the expenses of which any such incumbent, minister, or trustee is by this section exempted; but an incumbent, minister, or trustee so exempted shall not be entitled to an allowance in respect of the value of old materials existing in the street or court.

Partial exemption of railway companies from new street expenses.

55. A railway company shall not be liable to any new street expenses in respect of any new street formed along the side of or abutting upon any railroad or railway cutting or embankment, which new street does not communicate with such railroad or any other property of the Company, but the whole of such expenses shall be borne and paid by the other owners of property in such new street: Provided that no such railway company shall at any time thereafter have any right to make any communication between the railway and any street (from the new street expenses of which they are hereby relieved), except upon such terms and conditions as shall be agreed upon between the Corporation (on behalf of the other owners of property in such new street) and the Company, and in case of difference the amount to be paid by the Company shall be ascertained by a referee to be appointed by the Board of Trade, on the application of either party, and the costs of such reference shall be in the discretion of the referee.

Power to stop up highways where unnecessary, &c.

56. The Corporation may from time to time by order stop up wholly or partially any highway which in their opinion is unnecessary, on such terms as to the vesting of the soil and other matters as may be agreed on between the Corporation and the owners and lessees of buildings and lands abutting on the highway, and on any highway being so stopped up, all public and other rights of way and other rights in, over, or upon the same shall be absolutely extinguished;

but no such order shall be executed until after the expiration of one month from the time when it has been publicly posted at each end of the highway to which it relates.

Power to purchase buildings or lands for effecting street improvements.

57. The Corporation may agree with the owner of and persons interested in any building or lands for the absolute purchase thereof, or any part thereof, and of all subsisting leases, rentcharges, annuities, mortgages, incumbrances, estates, or interests in or affecting the same, and after such purchase may cause the building, or the part thereof purchased, to be taken down and removed, and the site thereof and the lands purchased, or any part thereof, to be laid into any street or court for widening, enlarging, or rendering more commodious the same, or otherwise for the improvement of the borough, as the Corporation think fit.

Houses and buildings in streets being carriage-ways.

58. Where any person after the commencement of this Act erects any new house or building, or rebuilds any old house or building, in or fronting to any street being a carriage road laid out or used before or after the commencement of this Act, whether any house or other building has been previously erected on the site or intended site of such house or building or not, the following provisions shall have effect; (that is to say,)

(1.) The person so erecting or rebuilding shall, if required by the Corporation or their surveyor, erect or rebuild such house or building at the distance of six yards at least from the centre of the street, and, if necessary for that purpose, shall set back the house or building accordingly, and the whole of that space or distance of six yards shall thereafter form part of the street, unless the consent of the Corporation in writing is previously obtained by such person to the contrary; and in every such case the Corporation shall make compensation in respect of all or any damage which such person may thereby sustain:

(2.) In case any person after the commencement of this Act erects or rebuilds any house or building in contravention of the provisions of this section, the Corporation may, at any time during the progress of or within one month after the erection thereof, pull down, take away, and remove the same, or so much thereof as is erected in contravention as aforesaid; and such person shall for every such offence forfeit and pay a sum not exceeding twenty pounds, to be recovered by the Corporation in any court of competent jurisdiction.

A.D. 1871.

Where buildings burnt or taken down, power to take land to improve street.

59. Where any building in a street is burnt or taken down to or within ten feet of the level of the ground immediately adjoining in front thereof, or is intended to be rebuilt or new fronted, or where it is intended to erect any new building on lands at the commencement of this Act vacant or unbuilt on in or near a street, and the Corporation are desirous of widening or enlarging such street, or any adjoining or neighbouring street, or of making alterations in the line of the buildings therein, they may for such purposes, by agreement, purchase any part of the site of the respective building, or of the lands occupied therewith, or of the respective vacant lands.

Elevations of buildings erected on front land to be subject to approval of Corporation.

60. All buildings or parts of buildings erected on the site of any building or on any ground, which site or ground, in consequence of any improvement made by the Corporation, becomes front land, or on any lands purchased or taken by the Corporation before or after the commencement of this Act, shall be erected according to such plan for the outside or front elevation thereof as the Corporation approve; and in case the Corporation for the space of twenty-one days after any plan is submitted to them neglect to notify their determination in writing with reference thereto, they shall be deemed to have approved of such plan.

Lands thrown into street to form part of public highway.

61. Any lands purchased or taken by the Corporation, and laid into a street, shall form a part of such street, and be a public highway.

Buildings may be set forward for improving line of street.

62. The Corporation may allow, on such terms as they think fit, any building to be set forward for improving the line of the street in which such building is situated, provided that the same be not in contravention of any covenant or right.

No house to be brought forward without consent of Corporation.

63. It shall not be lawful at any time or times hereafter, without the previous consent in writing of the Corporation, to bring forward any house or building in any street or any part thereof beyond the front wall of any house or building on either side thereof, nor to build any addition thereto beyond the front of any house or building on either side of the same as aforesaid.

Projecting houses when taken down to be set back.

64. When a building in a street any part of which projects beyond the regular line of the street, or beyond the front of the buildings on either side thereof, is burnt or taken down to or within ten feet of the level of the ground immediately adjoining in front thereof, the same shall, if required by the Corporation, be set back to or towards the line of the street, or the line of the adjoining buildings, in such manner as the Corporation direct for the improvement of such street, the Corporation making compensation to the

owner of such building for any loss or damage sustained by him in consequence of his building being so set back.

Projections over footways or highways.

65. Any pilaster, plinth, cornice, or other part of a new building, or of a new front or addition to an existing building, shall not project or encroach over a footway or highway unless allowed by the Corporation or beyond the distance (if any) allowed by the Corporation.

Existing and future projections of houses, &c. to be removed on notice.

66. The Corporation may serve notice on the occupier of any building to remove or alter any porch, shed, projecting window, step, cellar door or window, teagle, crane, windlass, sign, sign-post, sign iron, show board, window shutter, wall, gate, or fence, or any other obstruction or projection erected or placed before or after the commencement of this Act against or in front of any building, and being an obstruction to the safe or convenient passage along or through any street or court, or in the opinion of the Corporation being or likely to be a cause of danger to the traffic therein; and such occupier shall, within fourteen days after the service of such notice on him, remove or alter the same in the manner required by the notice, and in default thereof he shall be liable to a penalty not exceeding forty shillings, and the Corporation may remove or alter the same, and the expense of such removal or alteration shall be paid by him, and shall be recoverable as damages; but, except where the thing required by such notice to be removed or altered was made or put up by the occupier, the occupier shall be entitled to deduct the expense of his removing or altering the same as required by the notice from the rent payable by him to the owner of the building: Provided that if any such porch, shed, projecting window, step, cellar door or window, window shutter, wall, or fence, or any other obstruction or projection of a similar character, was lawfully erected or placed or continuing against or in front of any building in any street or court before the commencement of this Act, the Corporation shall make reasonable compensation to every person who suffers damage by such removal or alteration.

Doors and gates not to open outwards.

67. The occupiers of buildings and lands in any street shall at their own respective expense from time to time, within fourteen days next after their respectively receiving notice in writing from the Corporation, cause all doors and gates for the time being leading into the buildings and lands in their respective occupations (not being cellar doors or trap doors) which open outwards, and when open project into or over any street, to be altered so as not to open outwards into any street; and if any such occupier fails to comply with such notice he shall be liable to a penalty not exceeding five

A.D. 1871.

shillings for every day during which such failure continues after the expiration of the time specified in such notice.

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

68. After the commencement of this Act it shall not be lawful for any person, without the consent of the Corporation first obtained in writing, to make or alter any cellar, arch, vault, oven, or underground passage or other work under any part of any street or court, or to make any cellar area, or cellar steps or other steps, in any street or court, or to erect or place any bridge, gangway, or passage over any street or court, and every such cellar, bridge, work, or thing for the time being lawfully existing shall be kept in repair by the owner or occupier thereof; and if any person offends against any of the provisions of this section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding two pounds for every day during which such offence continues after the expiration of twenty-four hours from the service of notice thereof on him.

Cellar openings to be covered or secured.

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

Regulations as to sockets, &c.

70. It shall not be lawful for any person to make, place, or continue any socket or plug-hole in any causeway, highway, or thoroughfare without the consent of the Corporation first obtained in writing, and where any person, with such consent, so makes, places, or continues a socket or plug-hole, he shall repair the same immediately after being required so to do by the surveyor, and shall not at any time suffer the same to be without plug or cover, or

without being properly guarded, as the surveyor directs; and if any person fails to comply in any respect with the requirements of the present section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which the offence continues after the expiration of twenty-four hours from the service of notice thereof on him.

Hoards to be set up during progress of buildings, &c.

71. Every person intending to build or take down any building, or to alter or repair the outward part of any building, in any street or court, shall, before beginning the same, cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on from the street or court, with a convenient covered platform and handrail to serve as a footway for passengers outside of such hoard or fence, and shall continue such hoard or fence with such platform and handrail as aforesaid standing and in good condition to the satisfaction of the Corporation during such time as they determine that the public safety or convenience requires, and shall, when required by the Corporation, in order to prevent accidents, cause the same to be sufficiently lighted during the night, and shall remove the same when required by the Corporation; and if any person fails to comply in any respect with the requirements of the present section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such failure continues after the expiration of twenty-four hours from the service of notice thereof on him.

No hoard to be put up without consent, &c.

72. It shall not be lawful for any person, without the consent of the Corporation first obtained, to put up or keep up in any street a hoard or fence, or scaffold, for any purpose, or any post, bar, rail, board, or other thing by way of inclosure for the purpose of making mortar, or of depositing bricks, lime, rubbish, or other materials; and if any person does anything in contravention of the present section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which the offence continues after the expiration of twenty-four hours from the service of notice thereof on him.

Penalty for depositing or not lighting deposits of building materials or excavations.

73. It shall not be lawful for any person, without the consent of the Corporation first obtained, to lay any building materials, rubbish, or other thing, or make any excavation on or in any street or court, and when with such consent any person lays any building materials, rubbish, or other thing, or makes any excavations on or in any street or court, he shall, at his own expense, cause the same to be sufficiently fenced and a sufficient light to be fixed in a proper place

A.D. 1871.

upon or near the same, and to be continued every night from sunset to sunrise, and shall remove such materials or things, or fill up such excavation (as the case may be) when required by the Corporation; and if any person fails to comply in any respect with the requirements of the present section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such failure continues after the expiration of twenty-four hours from the service of notice thereof on him, and the Corporation may remove any such materials or thing, or fill up such excavation (as the case may be), and recover the expenses from the offender.

Power to alter names of streets, and put up names, number houses, &c.

74. The Corporation may name any street or court, or any part of a street or court which is without a name, or which bears two names, and from time to time alter the name of any street or court, or any part of a street or court having a name already borne by another street or court, and paint, engrave, or otherwise describe and place the name of any street or court, or any part of a street or court, on a conspicuous part of any building or other erection at or near each end, corner, or entrance thereof, and number every building or other erection therein on the door thereof, or otherwise, as they think proper; and if any person wilfully destroys, obliterates, defaces, removes, or without the consent of the Corporation alters any such name or number, or any part thereof, he shall be liable to a penalty not exceeding forty shillings; and when any such number is defaced or rubbed out, the occupier of such building or other erection shall immediately, at his own expense, cause the same to be reinstated, and in case he fails to do so for seven days after notice in writing given him to do so, the Corporation may reinstate the number and recover the expenses from him.

Register of streets and of alteration in names of streets.

75. The Corporation shall keep a register of all streets and courts, and of all alterations made by them in the names of streets and courts, or parts thereof, in such form as to show the date of every such alteration, and the name of the street or court or part, as well before as after such alteration.

Corporation may build bridges or repair existing ones.

76. The Corporation may from time to time repair, widen, alter, take down, remove, and rebuild any of the present or future bridges used or to be used as carriage or foot ways, and make any new bridges on any land from time to time acquired by them for that purpose.

County, &c. bridges.

77. The Corporation shall not repair, widen, alter, or rebuild any bridge by law repairable by any county, hundred, district, or persons: Provided, nevertheless, that it shall be lawful for the

Corporation upon such terms as may be agreed upon with the county justices (and such justices are hereby authorised and empowered so to agree) to take down, rebuild, lower, alter, widen, or improve any county or hundred bridge within the borough and the roadways and footways over and at each end of the same, to the repair of which the inhabitants of the said county and of the hundred of Blackburn, or either of them, are respectively at present liable, and to erect any bridges in lieu thereof, and for any number of years, not being less than twenty-one, to maintain and repair the structure, roadways, and footways thereof, and to defray the costs of any such works from time to time out of the borough fund: Provided that it shall be lawful for such justices to transfer to the Corporation absolutely and for ever any such county or hundred bridges, and the roadways and footways at the ends thereof respectively, and the rights and liabilities of the justices with respect thereto, upon such terms, pecuniary and otherwise, as the justices and the Corporation mutually agree on, and the Corporation may accept such a transfer accordingly, and any pecuniary consideration to be paid to the Corporation may be paid by such justices out of their county or hundred rates and funds.

Regulating width of bridges.

78. All bridges hereafter erected, either as carriageways or footways, shall be built substantially to the satisfaction of the Corporation, and shall be of such width as the Corporation may approve.

Contracts with neighbouring authorities as to roads, &c.

79. The Corporation, and the local board or highway board, or other proper authority of any district, parish, or place in or adjoining to the borough, may from time to time enter into and carry into execution such contracts as they think expedient for the making, repair, and maintenance of highways, roads, streets, or paths partly in the borough and partly in the parishes and townships adjoining thereto, and all expenses incurred on the part of the Corporation under such contracts shall be paid out of the borough fund.

Repair of roads forming boundaries of borough.

80. All highways, roads, streets, or paths, or parts thereof respectively forming the boundaries of the borough, shall be repaired and maintained at the joint expense of the Corporation and the township or part of the township abutting thereupon.

IV.—BUILDINGS.

Rebuilding.

81. For the purposes of this Act, the re-erecting of any building intended to be rebuilt or new fronted, or which has been destroyed by fire or otherwise, or of any building of which the main front or outer walls have been pulled down to within ten feet of the level of

A.D. 1871.

the ground immediately adjoining in front thereof, or of any building of which only the framework is left down to the ground floor, shall be considered the erection of a new building.

Erection or re-erection of houses in new streets.

82. No person shall hereafter build or rebuild any house in any new street without making thereto a front and back entrance, nor without forming in the rear of such house a back street of a width not less than twelve feet leading to every such house, and if any person shall at any time hereafter build or rebuild any house without making thereto a front and back entrance, he shall forfeit for every day during which such house shall so continue a sum not exceeding one pound, and it shall be lawful for the Corporation, if they deem it necessary, to cause such house to be altered or demolished, as the case may require, in manner herein-after in that behalf provided, and in case such back street as aforesaid shall not be formed, or shall be formed contrary to the provisions of this Act, the person building or rebuilding such house shall forfeit any sum not exceeding the sum of twenty pounds.

Back yards.

83. Every house hereafter built shall have directly attached thereto, and for the sole use thereof, a yard which shall contain a clear open space, exclusive of any buildings or other reductions, of at least one hundred and twenty superficial feet: Provided that the Corporation may in respect of the rebuilding of any house first erected before the sixteenth day of June one thousand eight hundred and fifty-four, allow such house to be re-erected with such a clear open space as shall appear to them to be reasonable where it is not practicable to leave the open space required by this section.

Formation of back yards of houses.

84. The back yards of all houses to be hereafter erected shall be formed with such fall, and shall be flagged, paved, or asphalted with such materials, as shall be satisfactory to the surveyor, for the purpose of carrying off the surface water to the drains of such house; and if any back yards of houses erected before or after the passing of this Act shall not be formed, paved, flagged, or asphalted so as to allow of the surface water being so carried off as aforesaid, the owner or occupier shall within seven days after notice in writing, to be given him by the surveyor, or left at or affixed on such house, proceed to form, and flag, pave, or asphalt the same, and shall complete such several works to the satisfaction of the surveyor, within fourteen days after such notice so given, left, or fixed; and in case any person fail to comply with the provisions of this section, in any particular in which compliance may be required by the surveyor, within the respective times aforesaid, it shall be lawful for the surveyor to execute the requisite works without further notice,

and the cost of so doing shall be paid to the Corporation by such owner or occupier.

Waterclosets and privies.

85. A privy or watercloset and sufficient ashpit accommodation shall be provided for every house hereafter built; no privy shall be made within five feet of any dwelling-house or other habitable building, and in cases where this space cannot be secured a watercloset or waterclosets must be provided; no room for human occupation shall be made over a privy, cesspool, or ashpit; all ashpits and cesspools shall be covered in and sufficient means of ventilation for the same provided to the satisfaction of the surveyor.

Privies for existing houses.

86. The owner of every house erected prior to the sixteenth day of June one thousand eight hundred and fifty-four, or which is by this Act for the first time included in the borough, and to which a privy or watercloset or ashpit respectively to the satisfaction of the Corporation is not attached, shall provide such privy or watercloset or ashpit to the same, in such situation upon premises belonging to him, and with such door and covering, as the Corporation think proper and sufficient for the use of the inmates or occupiers thereof, and require: Provided that the Corporation may, if they see fit, permit one ashpit or one privy respectively to be used jointly by the occupiers of two or more of such houses, and if any such owner fail to provide the required privy or watercloset or ashpit for four weeks after notice requiring him to do so, or for such further time as the Corporation shall by such notice direct, he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding one pound for every day during which such failure continues.

Notice of intention to build or rebuild or drain to be given to the Corporation.

87. Before beginning to dig the foundations of any building, and also before making any drain in connexion with any such building, the person intending to build or rebuild such building, or to make such drain, shall give to the Corporation notice in writing of such intention, by leaving the same at the office of the surveyor, and such notice shall state the name and place of business or residence of the owner, and also in general terms the description, intended use, mode of drainage, means of water supply, and situation of such building, and shall be accompanied by a section showing, by reference to some fixed point, the depth and level of the proposed foundations of each dwelling-house, and the size, depth, and level of each proposed drain; and also a plan showing the proposed lines of drainage, and a ground plan showing the size and situation of each yard, and of each privy or watercloset and ashpit, and such section and plans shall be drawn to a scale of not less than one eighth of an

A.D. 1871.

inch to the foot; and a block plan shall be left at the same time, drawn to a scale of not less than one inch to every forty feet, showing the position of the buildings and appurtenances of the properties immediately adjoining, and the width and level of the lowest floor of the intended building, and of the yard or ground belonging thereto.

Power of Corporation to disapprove mode of building or draining.

88. If the Corporation disapprove of the mode proposed in such notice, section, and plans, they shall, within twenty-one days after receiving the same, give notice in writing to the person by or on whose behalf the same have been given, of the particulars of such disapproval, and of the requirements of the Corporation in respect of the proposed work, and it shall not be lawful to begin to build or rebuild any such building or to construct any such drain, privy, watercloset, or ashpit until the section and plans thereof shall have been approved by the Corporation, and no person shall deviate from such approved section and plans.

Builder may proceed if Corporation fail to signify their disapproval.

89. If the Corporation fail to signify in writing their approval or disapproval of the mode so proposed within twenty-one days after receiving the notice, section, and plans, such person may proceed according to the terms of such notice, section, and plans, so far as they shall be in accordance with the provisions of this Act.

Notice to surveyor before commencing works.

90. The person intending to execute any works with respect to which any part of this Act applies shall give two days notice in writing to the surveyor before the commencement of such works, and twenty-four hours notice before any foundations of new buildings or any sewers or drains are covered up, and twenty-four hours notice after any works which may have been required by the surveyor to be done in amendment of any irregularity have been completed, and before such works shall be covered up.

Height of rooms.

91. No house shall hereafter be built with any room therein less than nine feet in height from the floor to the ceiling, save the attic rooms, which may range eight feet in height from the floor to the ceiling, or which has not all the windows therein made to open to the full extent of half thereof, and the area of any such window shall not be less than nine square feet clear of the frame.

Windows in rooms.

92. In a new building every habitable room shall have one window or more, and the total area of glass in the window or windows, clear of the frame and sash, shall be, unless in any case the Corporation otherwise determine, at the least one tenth of the area of the floor of such room, and the top of one window at least shall not be less than seven feet six inches above the floor, and in

case of a sash window the upper half at least shall be made to open the full width, and in case of a casement window one half at least shall be made to open fully.

Drainage of buildings.

93. Every existing and future building shall have one drain or more to carry off the water, whether falling on the roof thereof or on the ground attached thereto, and every existing and future dwelling-house shall have a drain to carry away the waste water therefrom, and such drains respectively shall be connected with the nearest sewer, and shall be constructed with glazed socket earthenware pipes of not less than four inches diameter, with water-tight joints, set in well-puddled clay.

Construction of drains and connexion with sewers.

94. The drains of all existing and future buildings shall be of such size, and laid and connected with the sewers in such manner, as shall be directed by and under the superintendence of the surveyor; and those beneath buildings used or intended to be used as dwelling-houses shall be laid with water-tight joints, and be imbedded throughout in and surrounded with well-puddled clay.

Ventilation of drainage.

95. Means of ventilation shall be provided in the drainage of every existing and future building, by connecting the drains with the rain-water pipe, or by a special pipe or shaft, and all inlets to any house from the drains shall be trapped; but when, in the opinion of the surveyor, one ventilating pipe or shaft will suffice to ventilate the drains of several buildings, it shall suffice if such pipe or shaft shall be provided to the satisfaction of such surveyor, and the costs of providing and affixing the same shall, where it is so provided and affixed by the Corporation, be apportioned between the owners of such buildings by the surveyor.

Ventilation, &c. of public buildings.

96. Every new public building or new building for public resort shall be supplied with means of lighting, ventilation, and of sufficient ingress and egress for the protection of the public in cases of emergency, to be approved by the Corporation.

Buildings and houses not to be converted so as to provide dwellings in contravention of Act.

97. It shall not be lawful to convert any building into a dwelling or any dwelling-house into two or more dwellings, whether such building or dwelling-house have been erected before or after the passing of this Act, unless each such dwelling have a front and back entrance, and a yard or ground space attached thereto, of such extent and in such position (except in special cases, to be approved by the Corporation) as shall be in accordance with the provisions of this Act, or of any byelaw to be made in pursuance of this Act, with respect to dwelling-houses to be erected after the commencement of this Act; and any building or dwelling-house so altered or con-

A.D. 1871.

verted, and any number of separate dwelling-houses into which the same may be converted, shall be subject, in every respect, to all the provisions of this Act as to new dwelling-houses.

Certificate that houses fulfil requirements of Act.

98. No building not already occupied as a dwelling-house shall be so occupied until the drainage thereof has been made and completed, nor until a certificate has been granted by the surveyor to the owner that such house is in every respect in accordance with the requirements of this Act: Provided that if the surveyor fail to give such certificate within seven days after a written application for it shall have been made to him by the owner of such building, and shall not in the meantime specify to such owner which of the aforesaid requirements have not been complied with with respect to such building, then (but subject nevertheless to the other provisions of this Act) such building may be thereupon occupied as a dwelling-house.

Buildings unfit for human habitation.

99. If the sanitary inspector shall, by writing, certify to the Corporation that any building or part of a building is unfit for human habitation, the Corporation may, by their order affixed conspicuously on such building or part of a building, declare that the same is not fit for human habitation, and the same shall not, after a date therein to be specified, be inhabited: Provided always, that if at any time after such order has been made the Corporation shall be satisfied that such building has been rendered fit for human habitation, they shall revoke their said order: Provided also, that the Corporation shall not make any such order in respect of or affecting any building or part of a building belonging to a railway company unless and until the railway company shall, for a period of one month after they have been served with notice requiring them to render such building fit for human habitation, have failed to do so; every such notice shall be in writing, and shall be delivered or sent by post, addressed to the secretary of the railway company at their principal office or place of business.

Preventing building on ground filled up with offensive matter.

100. It shall not be lawful for any person to erect any dwelling-house or other building upon any site which shall have been filled up with any material impregnated with fæcal matter, or with any animal or vegetable matter which, in the opinion of the sanitary inspector for the time being, may tend by decomposition or otherwise to the prejudice of the health of any future resident or occupier of such house or building, or of any resident in the neighbourhood, except upon a certificate of the sanitary inspector that proper precautions in his opinion have been taken to obviate any such result, and every person who erects, or causes to be erected, either wholly

or partially, any building on any such ground shall for every such offence be liable to a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day during which such building or part of a building shall continue upon any such ground. A.D. 1

Regulating height of factory chimneys.

101. All chimneys already or hereafter erected for carrying any smoke from the furnace of any mill, factory, brewery, sizing house, gasworks, corn mill, foundry, or buildings used for manufacturing purposes, or for the conveying away of any noisome or deleterious gases or effluvia from any such buildings, shall be raised to the height of ninety feet at least from the level of the centre of the street nearest thereto; and in all cases where any chimney serves the furnace of a steam engine, the chimney shall be raised to an additional height from such level adapted to the power of such engine, according to the following scale; (that is to say,) if such steam engine be of more than thirty horse-power and do not exceed forty horse-power, the height of such chimney shall not be less than one hundred feet; and if such steam engine be of more than forty horse-power, the height of such chimney shall not be less than one hundred and twenty feet.

Penalty for neglect of regulations as to chimneys.

102. If any chimney for conveying smoke from any such furnace be continued or erected of a less height than ninety feet, or, in any case where it serves the furnace of a steam engine, of a less height than in accordance with such scale, and the occupier thereof fail to raise the same to such height as is by this Act required, within six months after service of notice in writing from the Corporation requiring him so to do, every person so offending shall for every such offence forfeit not exceeding twenty shillings for every day after the expiration of such six months so long as such failure continues.

Power to enter buildings to measure height of chimneys, &c.

103. Any person appointed by the Corporation may enter in the daytime into any such mill, factory, brewery, sizing house, gaswork, or other building used for manufacturing purposes, or any part thereof, and may there measure and ascertain by all proper means the height of any such chimney and the power of any such steam engine.

Penalty for hindering measurement.

104. If any person hinder or aid in hindering any person so appointed from entering into any such building, or measuring or ascertaining the height of such chimney, or the power of such steam engine, every person so offending shall for every offence forfeit any sum not exceeding five pounds.

. 1871.
nbition
thatch.

105. If any person covers any building, either wholly or in part, with straw, thatch, or other combustible material, he shall be liable to a penalty not exceeding ten pounds, and the Corporation may order such straw, thatch, or other combustible material to be removed by the owner of such building within seven days after notice thereof served upon him, and in default the Corporation may remove the same, and recover the expenses of so doing from such owner.

Restrictions as to pipes and funnels for conveying smoke.

106. From and after the commencement of this Act no pipe or funnel for conveying smoke or steam shall at any time be newly fixed against any building next to any street or court, or on the inside of any building nearer than nine inches to any timber or other combustible material, nor shall any funnel built or made of brick or stone, or both, be newly placed on the outside of any building next to any street or court so as to extend beyond the general line of the buildings in the street or court; and if any pipe or funnel is fixed or placed contrary to this Act, the occupier, or in case of there being no occupier, then the owner of the building to which the same belongs, shall, within fourteen days next after receiving notice from the Corporation, cause the same to be removed, and on default shall be liable to a penalty not exceeding ten shillings a day for every day during which such default continues after the expiration of the time specified in such notice.

Notice in case of irregularity in building.

107. If in the erecting of a building or the execution of any work connected therewith anything is done in contravention of this Act, or anything required by this Act is omitted, the surveyor may, within forty-eight hours after obtaining knowledge thereof, give to the owner of the building or his agent, or the builder, notice in writing requiring him within a time specified in the notice to amend what has been so done in contravention or to do what is so required, and if any such owner or builder fails to comply in any respect with the requirements of the present section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such failure continues after the expiration of a time to be specified in that behalf in the notice.

Penalties relative to new buildings.

108. If any person begins to erect a new building without giving the notice required by this Act, or before the expiration of twenty-one days from the receipt by the Corporation of that notice if given, or the previous approval of the Corporation, or begins to erect a new building which has been disapproved by the Corporation, or after the Corporation has approved of a new building makes, either before or after the completion thereof, any alteration for which the approval of the Corporation is required by this Act in the whole or

in any part thereof so approved without further previous approval by the Corporation of the alteration, or does anything in contravention of this Act, or omits to do anything required by this Act, or by the Corporation or surveyor under the authority of this Act, with reference to any building, he shall be liable to a penalty not exceeding five pounds; and in case of a continuing offence to a further penalty not exceeding forty shillings for every day during which such offence continues after the expiration of twenty-four hours from the service of notice thereof on him.

Respecting existing contracts for building.

109. Nothing in this Act or any byelaw thereunder shall make void any agreement in writing entered into before the commencement of this Act for erecting or altering any building, but the same may be performed with such alterations as may be rendered necessary by this Act or any such byelaw, and as if such alterations had been stipulated for in such agreement, and the difference between the cost of the work according to the agreement and the cost thereof as executed according to this Act or any such byelaw shall be ascertained by the parties to the respective agreement, and paid for or deducted, as the case may require; and in case of dispute such difference shall, on the request of either party (notice being given to the other), be decided by the surveyor, and for his trouble in making such decision each party shall pay to him such sum, not exceeding twenty shillings, as the Corporation direct.

Alteration of contracts for building.

110. Where, under a lease or agreement for a lease, any person has before the commencement of this Act covenanted or agreed to erect a building, such building shall be built according to the provisions of this Act, or any byelaw thereunder, as if this Act or such byelaw had been passed and in operation at the time of the making of such lease or agreement, and as if the same had been made subject to this Act or such byelaw, and that without either party being entitled to any compensation.

Measurement of front elevation.

111. For the purposes of this Act the height of the front elevation of a building shall be measured from the level of the street or court (if any) immediately adjoining the building to the eaves or square of the building.

V.—BYELAWS AS TO STREETS AND BUILDINGS.

Power to make byelaws with respect to streets, buildings, &c.

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

For laying down regulations with respect to the level, width,

A.D. 1871.

and construction of new streets and courts, and the provision to be made for the sewerage and drainage thereof;

For laying down regulations with respect to the building line of new buildings;

For laying down regulations with respect to the structure of walls of buildings, for securing stability, and the prevention of fires, and with respect to the materials employed in erecting buildings;

For laying down regulations with respect to the sufficiency of yard accommodation and the space about buildings to secure a free circulation of air, and with respect to the ventilation of buildings;

For laying down regulations with respect to the drainage of buildings, and to waterclosets, privies, ashpits, middensteads, and cesspools in connexion with buildings, and to their situation, ventilation, reconstruction, or amendment;

but not so as to affect by any byelaw for any of the purposes aforesaid any building not being a new building within the meaning of this Act:

And for all or any of the following purposes; (that is to say,)

For regulating the thickness and construction of walls of or near ovens and furnaces built or wholly or partially rebuilt after the commencement of this Act:

For closing buildings or parts of buildings unfit for human habitation, and for prohibiting the use thereof for human habitation:

For prohibiting the occupation as a dwelling or sleeping room of any room any portion whereof extends immediately over any privy, ashpit, middenstead, or cesspool, or for enforcing the removal or alteration of such privy, ashpit, middenstead, or cesspool:

For compelling owners of buildings in streets or occupiers thereof, at the expense of such owners, to provide and keep proper spouts, troughs, and pipes to carry off water from the roofs and other external parts of buildings:

And may provide for the observance of any byelaws made under the present section, by inserting therein such provisions as they think necessary,—

As to the giving of notices:

As to the nature and deposit of plans and sections by persons intending to lay out streets, or to construct or alter buildings:

As to inspection by the Corporation:

And as to the power of the Corporation to remove, alter, or pull down any work begun or done in contravention of such byelaws:

Provided that no such byelaws shall apply to the laying out of any street, or the erection of any building, the plans of which may have been approved by the Corporation under the provisions of the Act of 1854, and the laying out or erecting of which respectively shall be completed within five years of the passing of this Act.

VI.—SEWERS. SANITARY ARRANGEMENTS.

Sewers and works vested in Corporation.

113. All existing and future public sewers and all existing and future sewers in and under the streets and courts, with all the works and materials thereunto belonging, whether made or provided at the cost of the Corporation or otherwise, and the entire management of the same, with the appurtenances, shall vest in and belong to the Corporation, and the Corporation shall maintain, cleanse, and flush the same, but so that nothing in this section shall vary the provisions in any deed or other document as between the lessor and the lessee, or as between the owner and any third party.

Making alterations and discontinuance of sewers vested in Corporation.

114. The Corporation shall from time to time cause to be made such sewers as may be necessary for effectually draining the borough, and may construct all works necessary for cleansing or flushing sewers, and may make any such sewers under streets, and may carry sewers through, across, along, or under any railway, canal, or river, under any street or place laid out as or intended for a street, or under any cellar or vault which may be under the pavement or carriageway of any street, and, after reasonable notice in writing in that behalf (if upon the report of the surveyor it should appear necessary), into, through, or under any lands whatsoever; and they may continue sewers to the most convenient site within the borough for the collection of sewage, and the disposal thereof, by sale, for agricultural or other purposes, or otherwise, but so that the same in no case become a nuisance; and the Corporation may from time to time, as they see fit, enlarge, lessen, alter, arch over, divert, or otherwise improve all or any of the sewers vested in them or constructed by them, and under their control, and discontinue, close up, or destroy such of them as they may deem to have become unnecessary: Provided always, that the discontinuance, closing up, or destruction of any sewer shall be so done as not to create a nuisance, and if by reason thereof any person is deprived of the lawful use of any sewer the Corporation shall provide some other sewer as effectual for his use as the one of which he is so deprived.

A.D. 1871.

Exercise of powers of last section without the borough.

115. The Corporation may exercise the powers given by the last-preceding section also without the borough, for the purpose of outfall or distribution of sewage, upon making due compensation, to be settled in the manner herein provided for the settlement of disputes as to compensation.

Previous notice of the intended works before commencement.

116. No sewer or other work shall be constructed or extended under the last-preceding section unless three months at the least before the commencement of such work notice of the intended work, describing the nature thereof, and stating the intended termini thereof, and the names of the parishes, townships, and places, and the turnpike roads and streets or places laid out or intended for streets, and other lands, if any, through, across, or under which the work is to be made, and naming a place where a plan of the intended work is open for inspection at all reasonable hours, shall be given by advertisement in one or more of the newspapers usually circulated in the borough, and a copy of such notice shall be served in manner herein provided for the service of notices by the Corporation on the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, and on the overseers of such parishes, townships, or places, and the trustees, surveyors of highways, or others having the care of such roads or streets.

If objection be made by any party interested, the work not to be proceeded with without sanction of Secretary of State.

117. In case any of such owners, lessees, or occupiers, or such overseers, trustees, surveyors, or others as aforesaid, or any other owner, lessee, or occupier who would be affected by the proposed work, object to such work, and serve notice in writing of such objection on the Corporation at any time within the said three months, the proposed work shall not be made or commenced without the sanction of one of Her Majesty's Principal Secretaries of State, after such inquiry or report as next herein-after mentioned (unless such objection be withdrawn).

An inspector to be appointed to make inquiry on the spot, and report to the Secretary of State.

118. It shall be lawful for the Secretary of State, upon application of the Corporation, to appoint an inspector to make inquiry on the spot into the propriety of any such work as aforesaid and into the objections thereto, and to hold one or more meeting or meetings for the purpose of hearing all persons desirous of being heard before him on the subject of such inquiry, and to report to such Secretary of State upon the matters with respect to which such inquiry is directed.

Construction of sewers and drains in rivers

119. All sewers and drains which may be constructed and laid under or along the bed of any river or watercourse shall be so

constructed and laid as not in any way to divert or tap the waters of such river or watercourse, or to impede the flow thereof.

and watercourses.

120. If the owner or occupier of any lands is injuriously affected by the exercise of the powers relative to sewers by this Act conferred on the Corporation, the Corporation shall pay to him compensation in respect thereof.

Compensation for works connected with sewers.

121. If any person not authorised by the Corporation makes any sewer or drain into or connects any sewer or drain with any sewer or drain of the Corporation, or opens or interferes with any sewer or drain already or hereafter to be approved by the Corporation, he shall be liable to a penalty not exceeding five pounds, and the Corporation may cause such sewer or drain so made or connected to be re-made or the connexion cut off, as they think fit, and may recover from him the expenses of so doing; and where any person is entitled to have a communication of a sewer or drain made into a sewer or drain of the Corporation, such communication shall be made only by the Corporation and at the expense of the person so entitled, and the amount of the expense, as estimated by the surveyor, shall be paid to the Corporation before the work is commenced, and the Corporation shall restore to the person paying the same any surplus, and may recover from him any deficiency, as respectively ascertained on the completion of the work.

Penalty for making unauthorised drains, or interfering with drains.

122. No building shall be erected over any sewer belonging to the Corporation without their consent first obtained in writing, and all vaults, arches, and cellars lawfully made under any street shall be substantially made, and so as not to interfere or communicate with any sewer of the Corporation, and if after the commencement of this Act any building is erected, or any vault, arch, or cellar is made in contravention of the provisions herein contained, the Corporation may demolish or fill up the same, and the expenses incurred thereby shall be paid by the person erecting such building, or making such vault, arch, or cellar.

Buildings over sewers not to be made without consent of Corporation.

123. If any sewer made before or after the commencement of this Act at the expense of the owners of buildings or lands in any street or court is connected with or obtains an outlet by means of a sewer made either wholly or partially at the expense of the Corporation, the Corporation may charge such owners respectively for such connexion or outlet any sum that may to the Corporation appear reasonable, regard being had to the extent of the premises drained, and the first cost to the Corporation of such outlet sewer as aforesaid.

If any sewer obtain an outlet by means of another sewer, owners benefited to contribute.

A.D. 1871.

Sewers may be used by owners and occupiers of lands beyond borough by agreement.

124. Where any person is the owner or occupier of any building or lands outside the borough in respect of which he would not be liable to the payment of rates under this Act, he may, with the consent of the Corporation first obtained in writing, on payment to them of a reasonable sum of money, periodically or in gross, to be agreed on between them, at his own expense, and under the superintendence of the surveyor, have a communication into a sewer of the Corporation of any sewer or drain in respect of the said buildings or land that may be lawfully made therefrom, and of such size and in such manner and form of communication as the Corporation approve; but nothing in this Act shall affect any right acquired by such owner or occupier, independently of this Act, to use any sewer of the Corporation.

Penalty on throwing rubbish into sewers.

125. If any person throws or permits to fall into any public or private sewer or drain any cinders, ashes, bricks, rubbish, stone, earth, sand, shells, or other like substance, or causes or permits to flow into any sewer or drain any lime washings or other refuse by which such sewer or drain may become blocked up or obstructed, he shall be liable to a penalty not exceeding forty shillings, and the Corporation may remove the same and repair any damage caused thereby, and recover the expenses of so doing from the offender, and such person shall be liable to a further penalty not exceeding one pound for every day during which the offence continues.

All sewers, &c. to be covered with traps.

126. All sewers and drains, whether public or private, shall be provided by the Corporation or other persons to whom they severally belong with proper traps or other coverings or means of ventilation, so as to prevent stench.

Drains, privies, &c. to be under control of Corporation.

127. All drains, privies, ashpits, middensteads, and cesspools shall be under the survey and control of the Corporation, and shall be altered, repaired, and kept in proper order at the expense of the owners of the lands and buildings to which the same belong, or for the use of which they are constructed or continued; and if such owner be not known, then at the expense of the occupier, who may deduct the same from the rent.

Connexion of drains with sewers.

128. The Corporation may, by notice, require the owner of any building or lands (not being lands used exclusively for agricultural purposes) in their opinion insufficiently drained to construct a drain in such position, of such size, and of such materials, and at such levels as seem to the Corporation sufficient for the purpose of effectually draining the same; and if the Corporation have a suitable sewer or the right to use such a sewer within one hundred feet from

such building or the boundary of such lands, they may require such owner to connect his drain with that sewer, or if they have not any suitable sewer or right to use such a sewer within that distance, then to connect it with some proper receptacle, not being underneath a house, and not being at a greater distance than the limit aforesaid, and the owner shall keep such drain in repair, and from time to time cleanse the same, to the satisfaction of the Corporation: Provided that nothing in this section shall make it obligatory on any such owner to acquire any land or easement for the purpose of constructing any drain or receptacle, or of connecting any drain with any sewer.

Provisions respecting construction of drains.

129. With respect to the construction of drains, the following provisions shall have effect; (that is to say,)

(1.) Where the owner or occupier of any house or building, in consequence of notice from the Corporation or otherwise, constructs and lays down a drain from such house or building, the Corporation shall superintend and control the construction and laying down thereof, and as far as the same passes under any street or road shall construct and lay the same:

(2.) The expenses incurred by the Corporation in the construction and laying of such drain shall be ascertained and certified by the surveyor, and the Corporation shall order payment thereof by the owner of such house or building, either in one or more sums, and at such time or times as they think fit; and in default of payment according to such order, the same shall be recoverable by the Corporation, and the production of a copy of such order certified under the hand of the town clerk, with proof of delivery of a copy of such order at the dwelling-house or last known place of abode of the person to be charged therewith, shall be primâ facie evidence of the liability of such person to pay the amount therein specified:

(3.) Provided that nothing herein shall empower the Corporation to require such owner or occupier to construct and lay down a drain if there is not a sewer of the Corporation, or a sewer which they are entitled to use, within one hundred feet from some part of the house or building, or to order payment of the expenses of construction and laying down any portion of a drain lying beyond one hundred feet from some part of such house or building.

A.D. 1871.

Power to enter and inspect premises to ascertain state of drainage, &c.

130. Where in the opinion of the Corporation there is reasonable ground to believe that the drainage, privy, or ashpit, cesspool, or middenstead accommodation of any building or of any lands (not being lands used exclusively for agricultural purposes) is defective, and in any case where the drains from any building or lands pass through any other building or lands, the Corporation may without notice, between the hours of eight o'clock in the morning and six o'clock in the evening, enter on and inspect any such building or lands, and, if need be, make such excavations or examination thereon or therein as they think fit with a view of ascertaining the state of the drainage thereof, and of any privy, ashpit, middenstead, or cesspool belonging thereto or used by the occupiers thereof, doing as little damage as possible; and if on such inspection the same be found satisfactory, the Corporation shall reinstate all parts of the building and lands disturbed or excavated, and shall make compensation for any injury occasioned by the exercise of such powers; but, except in case of urgent necessity, no such entry and inspection shall be made, save with the consent of the occupier or person in charge of the premises, or with the authority in writing of a justice, which authority any justice may give.

For cleansing, &c. rivers Brun and Calder.

131. The Corporation may cleanse and scour as they think fit the waterways or beds and courses, or any parts or part thereof respectively, of the Brun and the Calder within the borough, and may for the purpose of preventing the silting up of the said waterways from time to time, as they see fit, pitch, form, or otherwise improve with such materials as they think fit all or any portions of the beds, waterways, or courses and banks of the said rivers, or either of them; and they may also, for providing passage for flood waters or other purposes, from time to time as they see fit, construct and maintain sluice-gates or other works in all or any weirs or dams now existing or hereafter to be placed in the said rivers respectively, making compensation to the owners thereof for any damage or expense sustained or incurred by them by reason or in consequence of the execution of such last-mentioned works.

Penalty for throwing rubbish, &c. into rivers.

132. If any person throw, cast, or deposit, or by any other means convey or cause to be conveyed any soil, mud, stone, gravel, sand, garden stuff, refuse water or liquid, or any offensive matter or thing whatsoever, into the waterways or beds of either of the streams of the Brun and the Calder, every person so offending shall for every such offence forfeit a sum not exceeding forty shillings, and

a further sum not exceeding twenty shillings for every day during which such offence may continue; and the discharge of any such offensive matter aforesaid from any private or other drain, waterway, doorway, or window shall be primâ facie evidence that the occupier of the premises in which such drain, waterway, doorway, or window is situate, or from which it proceeds, has committed an offence against the provisions of this section.

Trap-doors in arches over streams.

133. No hole or trap-door shall be formed or continued in any arches or coverings over the rivers Brun and Calder, or either of them, in such a way as to allow of matters or things passing into the river, and if the owner of any such arch or covering containing any such hole or trap-door shall not stop up or effectually close the same within fourteen days after notice from the Corporation so to do, he shall forfeit any sum not exceeding twenty shillings for each day during which he allows the same to continue.

For preventing encroachments in rivers Brun and Calder.

134. If any building, erection, or thing has been built, erected, or placed in or on the sides of either the Brun or the Calder and within fifteen feet from the centre thereof respectively, since the first day of January one thousand eight hundred and fifty-four, or if any person at any time hereafter build, erect, or place, or cause to be built, erected, or placed, any building, erection, or thing within such fifteen feet, the Corporation shall cause such person, or the owner of such building, erection, or thing, to be summoned before two justices to show cause why such building, erection, or thing should not be removed, and if such person or owner fail to appear according to the summons, or to satisfy the justices that such building, erection, or thing is not in contravention of the provisions of this section, the justices shall order such person or owner to remove the same within a time to be specified in the order, not exceeding one month after the date thereof, and shall also order him to pay to the Corporation their reasonable costs in the premises, to be ascertained by the justices and specified in the order; and if such person or owner disobey such order, he shall forfeit a sum not exceeding ten pounds, and a further sum not exceeding forty shillings for every day during which his default continues; and the Corporation may on such default, if they think fit (without prejudice to any such penalties), do the work required by the order, and recover the expenses thereof as damages from the person or owner in default.

Owners may arch over streams.

135. Nothing in this Act contained shall prevent the owners of lands adjoining the said streams from arching over the same:

A.D. 1871.

Provided always, that the span of each such arch shall not be of a less width than thirty feet, and the height of each arch shall not be less than ten feet, measuring from the bed of the stream, and the sectional area of each arch shall not be less than two hundred and twenty square feet, measuring from the bed of the stream, unless with the consent of the Corporation in each case.

Sewers not allowed to drain into any stream.

136. Nothing in this Act shall authorise the Corporation to make, after the commencement of this Act, a new sewer, so as to drain direct into any stream or watercourse.

Prohibition against conveying sewage into stream, &c.

137. Nothing in this Act shall empower the Corporation to construct or use any sewer for the purpose of conveying sewage or filthy or refuse water into any natural watercourse or stream, or into any canal, or into any feeder, watercourse, or stream running into or communicating with any canal, until such sewage or filthy or refuse water is freed from all excrementitious or other foul or noxious matter that would injuriously affect or deteriorate the purity or quality of the water in such watercourse or stream; but nothing in this section shall prevent the construction or use by the Corporation of any sewer for the purpose of conveying into any such watercourse or stream, by means of storm overflows, water produced by unusual rainfall.

Proceedings to prevent pollution of streams.

138. The Corporation, with the sanction of Her Majesty's Attorney General, may either in their own name, or in the name of any other person with his consent, take such proceedings by indictment, information, bill in Chancery, action, or otherwise, as they deem advisable for the purpose of protecting any watercourse or stream which is within the borough, or which is or forms part of the boundary line between the borough and any adjoining township or place, from pollution arising from sewage produced either within or without the borough, and the costs of and incidental to any such proceedings payable by the Corporation, including any costs that may be awarded to the defendant, shall be paid out of the borough fund.

Power to provide for collection, &c. of night-soil.

139. For the purpose of collecting and depositing nightsoil, dung, ashes, and other filth and rubbish, the Corporation may provide horses, carts, implements, and other things, and may purchase or hire any lands or buildings, and may erect any new buildings or alter any existing buildings, but such collection and deposit shall be so made, and at such places, as not to create a nuisance.

Power to appoint or contract with scavengers.

140. The Corporation shall make provision for the sweeping, cleansing, and watering of the streets and such footways as occupiers

are not liable to cleanse, and for the carrying and removing of snow, ice, dirt, dust, mud, dung, cinders, ashes, rubbish, filth, and soil away therefrom and from houses, and for emptying privies, cesspools, ashpits, and middensteads, but so that nothing in this Act shall authorise the Corporation to carry away or remove any dung from any stable or cowshed without the consent of the occupier thereof; and if any contractor with the Corporation for the purposes aforesaid, or any of them, or any person employed by or acting under any contract or agreement with him, fails in any respect properly to perform the stipulations of any such contract with the Corporation, the contractor with the Corporation shall be liable to a penalty not exceeding five pounds; and each instance of such failure in respect of any or every street, footway, house, privy, cesspool, ashpit, or middenstead, or place shall be deemed a separate offence: Provided that this section shall not apply to ashes, cinders, refuse, or rubbish made by or in any trade or manufacturing process whatever.

Dirt, &c. collected by scavengers vested in Corporation.

141. All dirt, dust, dung, nightsoil, ashes, rubbish, or filth collected or removed by the Corporation shall be the property of the Corporation, and may be sold or disposed of by them.

Penalties on other persons than scavengers emptying privies, &c.

142. If any person, other than a scavenger employed by or contracting with the Corporation, empties any privy, cesspool, ashpit, or middenstead, or removes any soil, dung, fæcal matter, or ashes therefrom, or from any receptacle for soil or ashes communicating therewith, or from any street, he and also any person employing him for that purpose shall be liable to a penalty not exceeding forty shillings; but nothing in this section shall prevent the occupier of the house with which such privy, cesspool, ashpit, or middenstead is used from emptying the same or removing soil or ashes therefrom in order to use the soil or ashes on any garden or land occupied by him, provided he uses the same accordingly.

Penalty on Corporation for not causing privies, &c. to be emptied.

143. If the Corporation do not within seven days after notice in writing from the occupier of any house requiring them to empty any privy, cesspool, ashpit, or middenstead belonging to such house, or used by the inmates or occupiers thereof, cause the same to be emptied, the Corporation shall pay to the occupier of the premises any sum not exceeding ten shillings for every day during which such default continues after the expiration of the said period of seven days.

Removal of rubbish in ashpits, &c.

144. If any privy, cesspool, ashpit, or middenstead is used for the deposit of refuse of building or other materials or rubbish of

A.D. 1871.

a like description, the Corporation may make a reasonable charge upon the occupier of the building to which such privy, cesspool, ashpit, or middenstead belongs for the removal of the same.

Power to make bye-laws for regulation of scavengers, &c.

145. The Corporation may from time to time make byelaws for all or any of the following purposes; namely,

For regulating the cleansing and keeping clean of privies, and the times and mode of removal of the contents of privies, cesspools, ashpits, middensteads, and receptacles for soil and ashes;

For regulating the conduct of the scavengers, and for prescribing whether they shall wear any and what badges, and for punishing extortion, imposition, misconduct, or misbehaviour in them.

Public privies and urinals.

146. The Corporation may provide, cleanse, and maintain such public privies and urinals in or near public streets or courts, or other public places, as they deem expedient, and (by agreement) in or near any private buildings or lands.

Urinals attached to public-houses, &c.

147. The Corporation may order the occupier of any inn, public-house, beer-house, eating-house, cook-shop, or other place of public entertainment, built before or after the commencement of this Act, to provide and maintain, upon his own premises or at a place to be pointed out and provided by the Corporation adjoining to his premises, urinals to the satisfaction of the Corporation; and if any person fails in any respect to comply with the provisions of the present 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, and the Corporation may order the owner and occupier of any building or lands to remove any urinal belonging thereto where it appears to them so situated or constructed as to be a nuisance or offensive to public decency or otherwise objectionable.

Power to deal with nuisance on premises partly within and partly without borough.

148. If any nuisance or annoyance to the inhabitants of the borough arises or exists in or upon any building or the curtilage thereof situated partly within and partly without the borough, the Corporation shall have, in respect of such building and curtilage, and the owner and occupier thereof, such and the like powers as they would have had if the whole of such building and curtilage had been within the borough.

Certificate of sanitary inspector of same efficacy

149. Wherever by sections twenty-seven and twenty-nine of the Nuisances Removal Act for England, 1855, or by section twenty-two of the Sanitary Act, 1866, or by any Act amending those

sections respectively, any proceedings are required to be taken upon or in consequence of any certificate of any medical officer or other persons or person, the certificate to the like purport of the sanitary inspector shall have the same efficacy as the certificate of such medical officer or other persons or person.

as that of medical officer in certain cases.

Cleansing of watercourses, &c. forming boundaries of borough.

150. In case any watercourse, brook, ditch, drain, pool, reservoir, or other accumulation of water is or forms part of the boundary line between the borough and any adjoining township or place, and in the opinion of the Corporation requires to be drained, cleansed, scoured, deepened, widened, straightened, covered over, or otherwise improved, the Corporation and the local authority (mentioned in "The Nuisances Removal Act for England, 1855," or any Act amending that Act) of such township or place may enter into an agreement for the execution of such works, and for the payment of the expenses of and incident to the same; and if no agreement is made the Corporation may summon such local authority to appear before any two justices, not being members of the council, to show cause why an order should not be made by such justices for executing such permanent or other structural works in relation to the watercourse, brook, ditch, drain, pool, reservoir, or accumulation of water as may appear to the justices necessary; and such justices, after hearing the parties, or ex parte in case of the default of any of them to appear, may make such order with reference to the execution of such works, and may determine by whom the same shall be executed, and by whom and in what proportion the expenses of the execution thereof (such expenses to include compensation to any person for any damage he may sustain in or by reason of the execution of such works) shall be paid, and also the amount, time, and mode of payment of such expenses, and the same shall be paid accordingly, and in default of payment such sum may be levied upon the goods and chattels of such local authority by distress and sale thereof.

Restrictions on use for dwellings of underground places.

151. For preventing the use for human habitation of underground places unfit for that purpose, the following provisions shall have effect; namely,

(1.) It shall not be lawful for any person to let or suffer to be occupied, or to occupy, as a separate dwelling, any cellar, vault, or room wholly or to the extent of three feet of its height underground, not so let or occupied before the sixteenth day of June one thousand eight hundred and fifty-four, and if any person acts in any respect in con-

A.D. 1871.

travention of the present provision he shall be liable to a penalty not exceeding ten pounds:

(2.) In case at any time after the commencement of this Act it appears to the Corporation that any cellar, vault, or room wholly or to the extent of three feet of its height underground, occupied as a separate dwelling, having been so occupied before the sixteenth day of June one thousand eight hundred and fifty-four, is unfit for human habitation, regard being had to the mode of its construction and its condition, or to the supply or want of sanitary or other conveniences to be used therewith, the Corporation may, by order served on the owner if known, and if unknown on the occupier thereof, order that the occupation thereof as a separate dwelling be from the expiration of one month from the service of such order discontinued:

(3.) If any owner appeals against any such order the occupation as a separate dwelling of the cellar, vault, or room wholly or to the extent of three feet of its height underground to which the order relates need not be discontinued until the expiration of fourteen days after the confirmation of the order of the Corporation, unless such appeal ceases to be prosecuted:

(4.) If any person lets or knowingly suffers to be occupied, or occupies, as a separate dwelling, any cellar, vault, or underground room after the time when the occupation thereof as a separate dwelling ought to be discontinued according to the provisions of this Act, he shall be liable to a penalty not exceeding twenty shillings for every day during which the offence continues; but any owner shall not be liable to such penalty in respect of any time after he has given notice to his tenant to quit and deliver up possession of such cellar, vault, or room wholly or to the extent of three feet of its height underground, and has ceased to receive or claim any rent for the hire or occupation thereof; and the burden of proving such notice, and that he has ceased to receive or claim any rent as aforesaid, shall be on the owner:

(5.) On the application of the Corporation, and proof of the order for the discontinuance of the occupation as a separate dwelling of any such cellar, vault, or room wholly or to the extent of three feet of its height underground, and

proof that no appeal in relation thereto is pending, any justice may order the occupants of such cellar, vault, or underground room to be removed, and the sanitary inspector and his assistants may enter therein, and do or assist in doing all matters and things necessary for that purpose, and in the event of access thereto for that purpose being refused, any justice may grant a warrant for forcibly entering therein; and if any person resists or wilfully obstructs the sanitary inspector or his assistants in the execution of their duty under the present section he shall be liable to a penalty not exceeding twenty pounds.

Quantity of air for lodgers.

152. It shall not be lawful for any person to suffer any lodgers to use as a sleeping room any room in any house belonging to or occupied by him, unless there are in such room four hundred cubic feet of space at least for every person at any time using it as a sleeping room; and if any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding twenty shillings for every day during which such offence continues.

Power to make bye-laws as to lodging-houses.

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

For laying down regulations with respect to common lodging-houses, their registration, inspection, ventilation, cleanliness, for limiting the number of lodgers to be received therein, and other sanitary matters relating to lodging-houses.

Definition of "common lodging-house," &c.

154. The following terms in the Common Lodging Houses Act, 1851, or any Act amending the same, shall, so far as relates to the borough, have the following meanings; namely, the term "common lodging-house" includes any house (not being licensed for the sale of spirituous liquors), and any apartment sublet therefrom into which lodgers are received to inhabit rooms in common for any period less than fourteen days, whether for hire or not; the term "common lodging-house keeper" shall mean the person receiving such lodgers, or subletting any apartment in any such house; and the term "lodger" shall include every person inhabiting any common lodging-house.

VII.—SMOKE.

Penalties for non-consumption of smoke.

155. For the prevention of smoke the following provisions shall have effect; namely,

(1.) If any fireplace or furnace employed after the commencement of this Act in the working of engines by steam, or in

A.D. 1871.

any building used for the purpose of trade or manufacture, or baths or wash-houses, (although a steam engine is not used or employed therein,) is not so constructed as to consume or burn the smoke arising from such fireplace or furnace, the owner or occupier of the building or lands in or on which such fireplace or furnace is situate shall be liable to a penalty not exceeding five pounds:

(2.) If any such owner or occupier, or any engineer, fireman, stoker, foreman, or other person employed by him, after the commencement of this Act, uses any such fireplace or furnace not so constructed as aforesaid, or negligently uses any fireplace or furnace so constructed as aforesaid in such manner that the smoke arising therefrom is not effectually consumed or burnt, such person shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding forty shillings for every day during any part of which such fireplace or furnace is so continued to be used after one month's notice in writing given by the Corporation to the owner or occupier to remedy or discontinue the same:

(3.) Where more fireplaces or furnaces than one communicate with a single chimney, the names of the several owners and occupiers of the buildings or lands on which they are situate, and the several engineers, firemen, stokers, foremen, or other persons having the control or management thereof, may be included in one summons, and the justice before whom the case is brought may in his discretion apportion the penalty as he sees fit, or impose a penalty on one or more of those persons in exclusion of the others:

(4.) If any such owner or occupier, or the servant of either of them, refuses to allow such building or lands to be inspected by a person authorised by the Corporation, then any person so authorised may by warrant under the hand of a justice (which warrant any justice is hereby authorised to grant) enter into and upon such building or lands and examine any such fireplace or furnace.

Regulating brick burning.

156. No brick or tile kiln in any place nearer than fifty yards to a street, or nearer than fifty yards to any dwelling-house or workshop, or which is not a close kiln, shall be used for the burning of bricks or tiles, and no bricks or tiles shall be burned for sale or removal from the land whereon they are burned unless the kiln in which the same are burned has a chimney at least ninety feet above the level of the nearest street, and sufficient to effectually carry off

all steam, smoke, and effluvia from such kiln, and every person burning bricks or tiles in any such kiln shall be liable to a penalty not exceeding ten pounds for each such offence.

Penalty for burning rags, bones, &c.

157. If any person at any time after the commencement of this Act burns in any place within two hundred yards of any dwelling-house situate in or near any street any cork, rags, or bones, or other offensive substance for making manure, ivory or other black, or sal ammoniac or other chemical compound, substance, or matter, or for any other purpose of trade, manufacture, or commerce, he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which the offence is continued after the expiration of fourteen days from service on him by the Corporation of notice to discontinue the same.

VIII.—GAS AND WATER.

Limits of Act for supply of gas and water.

158. Subject to the provisions of this Act, the limits within which this Act shall be put in force with respect to gas and water works, and the supply of gas and water, shall be the same as the limits of the borough; but it shall be lawful for the Corporation to sell and supply gas and water by special agreement at any place or places beyond the borough within the townships or parts of townships abutting upon the same, and to lay pipes and do all other acts necessary for that purpose.

Power to maintain works and to make gas.

159. The Corporation may on the same premises, and not elsewhere, continue their existing gasworks, apparatus, buildings, and approaches thereto, and may make gas for public and private purposes within the borough, and do all such acts as they think necessary for those purposes.

Power to use patented inventions, &c.

160. The Corporation may take and hold any license or authority under any letters patent to use any invention relative to the manufacture or distribution of gas, or the utilisation of the residual products arising in the manufacture of gas, but nothing herein shall empower the Corporation to enter into any contract that would have the effect of securing to them any right or privilege in any respect of an exclusive character.

Power to continue waterworks.

161. The Corporation may continue, maintain, alter, and improve their existing waterworks, and, subject to the provisions of this Act, may from time to time make and maintain on lands belonging to them, or authorised to be used by them for the purposes of waterworks, all necessary pipe tracks, sluices, embankments, channels of communication, bye-washes, reservoirs, filtering beds, tanks,

A.D. 1871.

culverts, engines, drains, floodgates, and other conveniences for the effectual use and maintenance of the works by this Act authorised to be continued and maintained.

Compensation reservoir.

162. The Corporation shall maintain the Lee Green Reservoir as and for the compensation reservoir for supplying a uniform supply of water at the rate of two cubic feet per second during twelve working hours in each working day to the owners and occupiers of the mills and works on the streams below that reservoir; and whenever such a uniform supply cannot be maintained by means of the said reservoir, the Corporation shall, so long as there is water in any of their reservoirs, supply as much water as is necessary to make up the deficiency.

Maintenance and inspection of gauges, &c.

163. The Corporation shall make and maintain all such gauge or gauges and works as shall be requisite for regulating the supply of water to be given as compensation in pursuance of the last-preceding section to the owners and occupiers of the mills and works situate on the streams below the Lee Green Reservoir, and it shall be lawful for such owners and occupiers by some one person to be from time to time nominated in writing by a majority of a meeting of such owners and occupiers, or by such person's duly authorised deputy, to have access at all reasonable times to such gauge or gauges and works for the purpose of examining and inspecting the same: Provided that every such nomination and deputation shall be notified in writing to the Corporation.

For the protection of R.T. Parker, Esquire.

164. All works of whatever description which shall have heretofore been made and executed either by the Burnley Improvement Commissioners or the Corporation, or which may hereafter be made or executed by the Corporation, upon or in connexion with the lands of Robert Townley Parker, Esquire, situate in the township of Briercliffe with Extwistle, or for his lessees, tenants, or under-tenants, for his or their accommodation, shall at all times hereafter be well and sufficiently maintained, repaired, and kept up in good order and condition by and at the expense of the Corporation.

Confirmation of conveyances, &c.

165. All conveyances, deeds, instruments, and documents before the commencement of this Act executed or made by the said Robert Townley Parker to or in favour of the Commissioners or the Corporation respectively are hereby ratified and confirmed as between the parties thereto, and shall be good, valid, and available for all purposes for and against both the said Robert Townley Parker and the Corporation.

Gratuitous supply of gas and

166. The Corporation may from time to time, on such terms and conditions as they think fit, supply gas or water gratuitously for

any purposes of public advantage within the borough, and may supply gratuitously gas for lighting and water for domestic and sanitary purposes to any hospitals and infirmaries, public baths and wash-houses, within the borough, maintained at the expense of the Corporation, or out of the rates for the relief of the poor wholly raised within the borough, or by public subscription.

water for public purposes.

167. The Corporation may light with gas the streets and public buildings within the borough, at such times and in such manner as they think fit, and may provide, set up, lay, and affix lamps, lamp posts, lamp irons, pipes, and other works and conveniences in such streets and against any public building, and, with the consent of the occupier, against any private building or structure.

Power to light streets, &c. in borough.

168. The Corporation may from time to time contract with any local board, inspectors, commissioners, trustees, surveyors, or other persons having the control of the streets and roads beyond the borough, for lighting the same, or any of them, with gas, and for providing for that purpose lamps, lamp posts, burners, pipes, and other apparatus, and for the repairs thereof, in such manner and on such terms as may be agreed on, and for the purposes aforesaid may in such streets and roads erect lamp posts and other works and conveniences.

Power to agree for lighting of streets, &c. beyond borough.

169. The Corporation may supply and sell gas for public and private purposes within the borough, and may sell and dispose of the coke and other residuary products arising in the manufacture of gas by them.

Power to supply gas for public and private purposes.

170. The highest gas rent payable to the Corporation for gas supplied by them within the borough shall be at the rate of three shillings for one thousand cubic feet.

Limit of gas rent.

171. Subject to the provisions of this Act, the Corporation shall supply with water the inhabitants, buildings, and lands within the borough.

Corporation to supply water.

172. The Corporation shall provide and keep in their pipes a supply of pure and wholesome water, constantly laid on, sufficient for the domestic use of all inhabitants within the borough entitled to demand a supply, and willing to pay water rent.

Corporation to keep supply of water in pipes.

173. The Corporation shall not be bound at any time to lay on the supply of water at any elevation at which the water cannot be supplied by gravitation from the service reservoir from which the supply is taken.

Corporation not bound to supply water above level of service reservoir.

A.D. 1871.

Corporation to lay pipes, &c. on requisition.

174. The Corporation shall cause pipes to be laid down, and water to be brought to every part of the borough whereunto they shall be required by demand in writing by so many owners or occupiers of houses in that part of the borough as that the aggregate amount of water rent payable by them annually at the rates specified in this Act shall not be less than one tenth part of the expense of providing and laying down such pipes; but any such requisition shall not be binding on the Corporation unless such owners or occupiers severally execute an agreement binding themselves to take such supply of water for three successive years at least.

Penalty for neglect to lay pipes.

175. If for twenty-eight days after demand in writing made to the Corporation, and tender made of an agreement signed by such number of owners or occupiers as aforesaid to take and pay for a supply of water for three years or more, the Corporation refuse or neglect to lay down pipes in the manner herein-before directed, and to provide such supply of water as required by this Act, they shall forfeit to each of such owners and occupiers the amount of water rent which he would be liable to pay under such agreement, and also the further sum of forty shillings for every day during which they refuse or neglect to lay down such pipes, or to provide such supply of water.

Water to be supplied for domestic purposes on requisition.

176. The Corporation shall, at the request of the owner or occupier of any house or part of a house in any street or place in which any pipe of the Corporation is laid, or of any person who under the provisions of this Act is entitled to demand a supply of water for domestic purposes (and subject to the provisions of this Act respecting water rent), furnish to such owner, occupier, or other person a sufficient supply of water for his domestic use.

Water rent for domestic purposes.

177. The water rent payable to the Corporation for a supply of water for domestic purposes within the borough shall be at a rate per centum per annum not exceeding five pounds on the annual value of the house or part of a house supplied, but they shall not be obliged to furnish such a supply to any owner, occupier, or other person for a less water rent than six shillings per annum.

What to be deemed domestic purposes.

178. A supply of water for domestic purposes shall include a supply for one watercloset, but shall not include a supply for baths, or for cattle, or for horses, or for washing carriages, where such horses or carriages are kept for sale or hire, or by a common carrier, or a supply for any trade, manufacture, or business, or for watering gardens, or for fountains, or for any ornamental purposes.

Several houses supplied with water by one pipe.

179. Where several houses or parts of houses in the separate occupation of several persons are supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rents for the supply of water as they would have been liable to if each of such several houses or parts of houses had been supplied with water from the works of the Corporation by a separate pipe.

Compelling owners of houses to obtain supply of water.

180. With respect to compulsory taking of water in certain cases, the following provisions shall have effect; (namely,)

(1.) If any house in the borough is without a proper supply of water, the Corporation may give notice in writing to the owner thereof requiring him within a time specified in the notice to do all works necessary for obtaining and to obtain such supply:

(2.) If the notice is not complied with the Corporation may, if they think fit, do the works and furnish the supply accordingly:

(3.) The expenses incurred by the Corporation in doing such works and obtaining such supply shall be paid to them by the owner:

(4.) Those expenses may, to the extent of any rent due from the occupier, be recovered by the Corporation from the occupier in the same manner as a water rent, and may be in that case deducted by the occupier from the rent payable by him to the owner, and shall be allowed by the owner and every other person interested in the rent as if the amount had been actually paid as rent:

(5.) If they are not recovered from the occupier they may be recovered by the Corporation from the owner (or in the case of an agent or receiver from his principal) in any court of competent jurisdiction, and the same until paid shall be the first charge on the house, and bear interest at the rate of five per centum per annum:

(6.) The water rent for such compulsory supply shall not exceed the water rent authorised by this Act.

Communication pipes.

181. The Corporation shall have the sole power of laying down all private or communication pipes in all buildings and courts from their mains to the premises to be supplied with gas or water, the expense of which private communication pipes, bib taps, stop taps, and ferrules are to be repaid to the Corporation by the owner of the premises requiring the supply of gas or water.

A.D. 1871.

Construction &c. of communication pipes.

182. The Corporation shall have the sole power to determine the bore and weight or strength and material of any private communication pipe, and the number of houses it shall supply.

Pipes and fittings within buildings to be approved by Corporation.

183. All pipes and other fittings required for distributing gas or water respectively within any building shall be approved of by and affixed to the satisfaction of the Corporation, or their gas or water manager respectively, before the owner or occupier of such building shall be entitled to a supply of gas or water.

Stop taps in water pipes.

184. Every separate house or group of houses to be supplied with water shall have a stop tap fixed at the expense of the owner of the property where directed by the Corporation.

Corporation to lay down communica-

occupier.

185. The Corporation shall, upon the request of the owner or occupier of any dwelling-house in any street in which their pipes [illegible] of the proportion of water in advance, and the cost of the communication pipes, lay down communication pipes and other necessary works for the supply of such house with water for domestic purposes, and shall keep the same in repair, and thereupon the occupier of such house shall be entitled to have a sufficient supply of water for his domestic purposes from the Corporation, and such pipes shall remain attached to such house.

Penalty for refusal to lay communication pipes.

186. If upon such request and payment or tender as aforesaid the Corporation for fourteen days neglect or refuse to lay down such communication pipes or other works they shall be liable to forfeit to the person making such request any sum not exceeding five pounds, and a further sum not exceeding forty shillings for every day during which such refusal or neglect continues after seven days from the making of the request and tender.

Supply for trading and manufacturing purposes.

187. The Corporation may supply any person with water for trading or manufacturing purposes, or for any purposes other than domestic purposes.

Water rent for water for other than domestic purposes.

188. The water rent payable to the Corporation for a supply of water for other than domestic purposes, or for domestic and trade purposes combined, shall be such as may be from time to time agreed on between them and the persons supplied.

Penalty for non-supply for domestic purposes.

189. If the Corporation fail to furnish to any owner, occupier, or person entitled under this Act to receive it, a supply of water during any part of the time for which the water rent for such supply is paid or tendered, they shall be liable to a penalty not exceeding ten pounds, and shall forfeit to the person having so paid or tendered

the rent the sum of forty shillings for every day during which such failure continues after notice in writing given to them thereof.

Want of supply when excused.

190. The Corporation shall not, in the absence of special agreement, be liable to any penalty under this Act or otherwise, or to any damages, for not supplying water as required by this Act if the want of such supply arises from frost, unusual drought, or other unavoidable cause or accident.

Water rent to be payable in advance.

191. Water rent shall be paid in equal quarterly payments in advance by the person requiring, receiving, or using the supply of water, the first payment to be made at the time when the pipe by which the water is supplied is made to communicate with the pipes of the Corporation, or at the time when the agreement to take water from the Corporation is entered into; and if any person becomes the occupier of any building or land previously supplied with water by the Corporation, he shall, if he does not require such supply, forthwith give the Corporation notice of the same; and if any such person neglects within three days after commencing such occupation to give such notice he shall be liable to pay the water rent for the residue of the current quarter.

Owners of certain houses to be liable to water rents.

192. The owners of all dwelling-houses or parts of dwelling-houses occupied as separate tenements, the annual value of which houses or separate tenements does not exceed ten pounds, or which are let to weekly or monthly tenants, shall be primarily liable to the payment of the water rents, and in default of payment thereof by the owner the occupier shall be liable for the same, as if the present section had not been inserted in this Act.

Recovery of water rents.

193. Any water rent may be recovered as borough rates are recoverable under this Act, and where any person is liable to pay to the Corporation a water rent not exceeding twenty shillings a quarter, and any quarterly payment thereof is due and remains unpaid for ten days after demand in writing served on the person liable, with notice of distress in default of payment, and the person liable does not within that period of ten days give notice in writing to the Corporation that he disputes the demand, then the Corporation or any person acting under their authority may levy the sum due, with costs, by distress and sale of the goods and chattels of the person liable wheresoever such goods and chattels may be found, in like manner as rents in arrear on common demise are by law recoverable, rendering the surplus (if any) to the person whose goods and chattels were distrained, after deducting the necessary charges of distress and sale.

A.D. 1871.

Recovery of charges for gas.

194. In case any person who shall have been supplied with gas by the Corporation, or who shall be liable to payment in respect of a supply of gas under or by virtue of the provisions of this Act, shall neglect or refuse to pay the amount due in respect of such supply for the space of fourteen days after demand thereof by the Corporation, their agent or collector, any justice may issue his summons to such person requiring him to appear at a time and place named therein, and then and there to show cause why the sum so demanded should not be paid, and if on the appearance of such person, or in default of appearance, after proof of the service of the summons, either personally or at the last-known place of abode or of business of such person, no sufficient cause can be shown to the contrary, any justice may issue his warrant of distress for the seizure and sale of the goods and chattels of such person for the recovery of the amount which may be proved before such justice to be due from such person, together with such costs, including the costs of cutting off the gas, if the same shall have been cut off by the Corporation, as to such justice shall seem just and reasonable.

Recovery of rents outside borough.

195. The two last-preceding sections shall apply as well to water and gas rents in respect of water and gas supplied within the borough as to water and gas rents in respect of water and gas supplied outside the borough.

Power to require use of meter for gas.

196. Every consumer of gas may be required by the Corporation to consume gas by meter, and the Corporation may be required by every consumer to supply the same by meter, such meter in every case to be provided by the Corporation at the expense of the consumer, or to be approved of by the Corporation if provided by the consumer.

Register of meter to be primâ facie evidence.

197. The register of the gas meter shall be primâ facie evidence of the quantity of gas consumed by a consumer in respect of which any rent is charged and sought to be recovered by the Corporation.

Security to be given for gas rents if required.

198. Any person having or requesting to have a supply of gas from the Corporation shall, if and when so required in writing by the Corporation or any of their officers, and before he is entitled to have service pipes and meter provided and fixed, or to have a supply of gas, give to the Corporation such security for the payment of the estimated rent for the gas to be supplied to him during the next ensuing three months, and of the meter rent for every meter to be supplied to him, as he and the Corporation agree on, or as, in default of agreement, shall be determined as by this Act provided, and the Corporation shall be liable to a penalty not exceeding five

pounds if they shall discontinue the supply of gas to any person then having a supply, for want of such security, unless such person shall have failed to give them such security for seven days after the same shall have been demanded by the Corporation.

Difference as to security to be determined by a justice..

199. Where any such person and the Corporation do not agree on the security to be given the same shall be determined by a justice, and a justice shall on the application of the person and the Corporation, or either of them, determine the nature and amount of the security to be given, and the security may, as the justice thinks fit, be the deposit with the Corporation, or with any person approved by the justice, or the prepayment to the Corporation, of a sum of money, or any other security which the justice thinks sufficient and reasonable, and the determination of the justice shall be binding on all parties, and final.

Interest on deposits as security for gas rents.

200. Provided that if the security be the deposit with the Corporation of a sum of money, they shall on the thirtieth day of June in each year pay interest to the consumer at the rate of five pounds per centum per annum on any such deposit which shall have been deposited with them for a period of twelve calendar months preceding that date: Provided that if the sum deposited exceeds one pound, interest at the rate aforesaid shall be paid to the consumer for each and every quarter of a year during the whole of which such consumer shall have taken and paid for a supply of gas.

Rate for water may be ascertained by meter.

201. The Corporation and any person desirous of having a supply of water may agree that the rent for such supply shall be determined by the quantity of water consumed, to be ascertained by a meter to be provided or approved by the Corporation, and may agree on the amount of the rent to be paid for such supply.

Consumer to keep his own meters in order.

202. Every consumer of gas and water of the Corporation shall at all times at his own expense keep all meters belonging to him whereby any gas or water of the Corporation is registered in proper order and of sufficient size for correctly registering such gas or water, in default whereof the Corporation may cease to supply gas or water through such meter, and the Corporation shall have access to and be at liberty to take off, remove, test, inspect, and replace the same at all reasonable times, such taking off, removal, testing, inspecting, and replacing to be done at the expense of the Corporation if the meter be found in proper order, but otherwise at the expense of the consumer.

Supply of water by meter for trade and

203. Where water is supplied for trade and domestic purposes together, the Corporation may compel the party supplied to use the same by meter, at a minimum rent equal to the rate for the domestic

A.D. 1871.

domestic purposes combined.

supply of the premises so supplied, but if a greater quantity of water be used at the rate or scale of charges per meter than would have been supplied for domestic purposes at the said minimum rent, then the excess shall be paid for at and after the rate for trade purposes by meter, such meter in every case to be provided by the Corporation at the expense of the consumer.

Power to let meters for hire.

204. The Corporation may let for hire any meter or instrument for measuring the quantity of gas or water supplied and consumed, and any pipes and apparatus for the conveyance, reception, or storage of the gas or water, for such remuneration in money as may be agreed upon between them and the hirer, which shall be recoverable as gas and water rent, and the meters, instruments, pipes, and apparatus shall not be subject to distress for rent of the premises where the same are used, or be attached or taken in execution under any legal proceeding against or affecting the consumer of the gas or water, or the occupier of the premises, or other the person in whose possession the meters, instruments, pipes, and apparatus may be.

Power to enter houses to inspect, &c.

205. Any person acting under the authority of the Corporation may, without notice, between the hours of nine in the forenoon and four in the afternoon, or at any other time with the authority in writing of a justice, enter into any building or lands to, through, or into which gas or water is supplied by the Corporation, in order to examine if there is any waste, misuse, undue consumption, or contamination of such gas or water, and to inspect the meters, instruments, pipes, and apparatus connected with the supply or use of gas or water, and to ascertain the quantity of gas or water consumed or supplied.

Power to cut off supply on failure in payment of gas or water rent, &c.

206. In the following cases; (namely,)

(1.) If any person supplied with gas or water by the Corporation fails to pay any gas rent or water rent due from him to the Corporation, or to give, when demanded, such security for payment of gas and meter rents as is herein-before authorised to be required;

(2.) If any such person wrongfully does or causes or permits to be done anything in contravention of the provisions of this Act relating to the supply of gas or water, or wrongfully fails to do anything which he ought to do for the prevention of the waste, misuse, undue consumption, or contamination of the gas or water of the Corporation;

(3.) If any person acting under the authority of the Corporation is refused admittance into any building or lands for any of the purposes of the provisions of this Act relative to gas or

water supply, or is prevented from making any inspection or examination therein;

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

(1.) The Corporation may, notwithstanding any existing contract with the person supplied with gas or water, and without prejudice to any other remedy or proceeding against him, cut off any service or other pipe used by him for the supply to him of gas or water, or turn off or otherwise stop the supply to him of gas or water (as the case may be), and may cease to supply him with gas or water (as the case may be) until he has paid the gas rent or water rent (as the case may be) due from him, or given such security for payment of gas and meter rents as aforesaid, together with all expenses incurred by the Corporation in or about the cutting off of any pipe, or the turning off or otherwise stopping of any such supply, or (as the case may be) so long as his wrongful act or omission continues or is not remedied:

(2.) Any officers and workmen of the Corporation, after giving twenty-four hours previous notice to the occupier, or, if the building is unoccupied, to the owner, may enter into the building or lands supplied between the hours of nine in the forenoon and four in the afternoon, or at any other time with the authority in writing of a justice, and remove and carry away any meter, instruments, pipes, apparatus, or other works the property of the Corporation, making compensation to the owner for any damage sustained by him.

Incoming tenant not to pay arrears of outgoing tenant unless by express agreement.

207. In case any consumer of the gas of the Corporation shall leave the premises where gas was supplied to him without paying to the Corporation the gas rent or meter rent due from him, the Corporation shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant shall have undertaken with the former tenant to pay or exonerate him from the payment of such arrears; but in case of any difference arising between the Corporation and any incoming or outgoing tenant as to the quantity of gas consumed by such incoming or outgoing tenant, the quantity shall be ascertained by a justice.

Penalty for injuring meters.

208. If any consumer of gas of the Corporation fraudulently or by culpable negligence injures, or suffers to be injured, any meter or fittings belonging to the Corporation under his control, or alters the

A.D. 1871.

index of any meter, or otherwise fraudulently prevents any meter from duly registering the quantity of gas used, or in any manner fraudulently consumes or uses the gas of the Corporation, he shall be liable to a penalty not exceeding five pounds, without prejudice to the right of the Corporation to recover the amount of any damage by them sustained.

Penalty for fraudulently using gas, &c.

209. Every person who lays, or causes to be laid, any pipe to communicate with any gas pipe belonging to the Corporation without their consent, or fraudulently uses or fraudulently injures any such meter as aforesaid, or who, in case the gas supplied by the Corporation is not ascertained by meter, uses any burner other than such as has been provided or approved of by the Corporation, or of larger dimensions than he has contracted to pay for, or keeps the lights burning for a longer time than he has contracted to pay for, or who otherwise improperly uses or burns such gas, or supplies any other person with any part of the gas supplied to him by the Corporation, shall forfeit to the Corporation a sum not exceeding five pounds, and also a sum not exceeding forty shillings for every day such pipe so remains, or such works or burner are so used, or such excess is so committed or continued, or such supply furnished.

Penalty and damages for breaking lamps, &c.

210. If any person wilfully removes, destroys, or injures any gas pipe, lamp post, pillar, lamp iron, lamp cover, or other things connected with gas manufacture or supply, the property of or set up by the Corporation, or the property of or set up by any person under the authority of this Act, or wilfully and wrongfully extinguishes the light of any gas lamp the property of or set up by the Corporation or any person as aforesaid, or wilfully wastes gas supplied by the Corporation, any justice may, upon oath made of the commission of any such offence, issue a warrant for apprehending the person accused, or any person who sees any such offence committed may apprehend, and any other person may assist in apprehending, the offender, and without any other warrant than this Act may deliver him into the custody of a constable to be conveyed before some justice, and the person so offending shall be liable to a penalty not exceeding five pounds, and shall also make satisfaction to the Corporation or person aggrieved for the damage done, the amount thereof to be recoverable as a penalty.

Satisfaction for accidentally damaging pipes.

211. Every person who carelessly or accidentally breaks, throws down, or damages any pipe, pillar, or lamp belonging to the Corporation, or under their control, shall pay such sum of money by way of satisfaction to the Corporation for the damage done, not exceeding five pounds, as two justices think reasonable.

Regulations for preventing waste, &c. of water.

212. For preventing waste, misuse, undue consumption, or contamination of the water of the Corporation, the following provisions shall have effect:

(1.) The Corporation may from time to time make such reasonable regulations as they think necessary for the objects aforesaid, to be observed by persons supplied with water:

(2.) By any such regulation the Corporation may direct the use, and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair of the pipes, valves, water meters, cocks, cisterns, soil-pans, watercloscts, and other apparatus or receptacles, or any of them, to be used by such persons respectively for carrying, delivering, measuring, and receiving water, and may interdict any arrangement, and the use of any pipe, valve, cock, cistern, soil-pan, watercloset, or other apparatus or receptacle in their judgment likely to occasion waste, misuse, undue consumption, or contamination of water:

(3.) The Corporation shall not be bound under any agreement or otherwise to supply, or to continue to supply, water to any person, unless such regulations as are for the time being in force are duly observed by him:

(4.) In case of the failure of any such person to observe such regulations as are for the time being in force, the Corporation may, if they think fit, after one hour's notice in writing, or in case of emergency without notice, by or under the direction of their authorised officer, repair, replace, or alter any pipe, valve, water meter, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle belonging to or used by any person supplied by them, and the power of entry given by this Act for the purpose of examination and inspection shall extend and apply to entry for the purpose of such repair, replacement, and alteration, and the expense of every such repair, replacement, or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied, and may be recovered by them in the same manner as water rent is recoverable.

Power for Corporation to supply materials, &c.

213. The Corporation may, if requested by and at the cost of any person supplied or about to be supplied by them with water, furnish to him, and from time to time repair or alter, any such pipes, valves, water meters, cocks, cisterns, baths, soil-pans, watercloscts, apparatus, and receptacles as are required or permitted by their regulations, and such costs may be recovered by the Corporation

A.D. 1871.

as water rent is recoverable, and the Corporation may provide all materials and do all work necessary or proper for the purposes of this section.

Notice of discontinuance of use of water and gas.

214. A notice to the Corporation for the discontinuance of a supply of water or gas shall not be of any effect unless it is in writing, signed by the person desiring and having the power to discontinue, and is left at the waterworks or gasworks office of the Corporation.

Penalty for using water for swilling pavement, &c.

215. It shall not be lawful for any owner or occupier of any house supplied with water by the Corporation, after seven days public notice by the Corporation prohibiting the same, and so long as such notice is in force, to swill any ground, pavement, flags, or windows, without the consent of the Corporation, and any person who shall act contrary to this enactment shall for every such offence forfeit to the Corporation any sum not exceeding forty shillings.

Penalty for using water for washing windows, &c.

216. It shall not be lawful for any owner or occupier of any house supplied with water by the Corporation, or any other person without the consent of the Corporation, to affix or permit or to suffer to be affixed to any of the mains or pipes of the Corporation, or to any service pipe of any owner or occupier, any gutta-percha or other tubes or pipes for the purpose of washing the windows or fronts of houses or other buildings, or for watering any gardens, or the pavement or roads adjacent to any houses or buildings; and any person who shall act contrary to this enactment shall for every such offence forfeit to the Corporation any sum not exceeding forty shillings.

Penalty for waste, &c. of water by non-repair of pipes, &c.

217. If any person supplied with water by the Corporation wilfully or negligently causes or suffers any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle to be out of repair, or to be so used or contrived as that the water supply to him by the Corporation is or is likely to be wasted, misused, unduly consumed, or contaminated, or so as to occasion or allow the return of foul air or noisome or impure matter into any pipe belonging to or connected with the pipes of the Corporation, he shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for extension or alteration of pipes.

218. It shall not be lawful for the owner or occupier of any building supplied with water or gas by the Corporation, or any consumer of the water or gas of the Corporation, or any other person, to alter or remove any meter or instrument used for measuring the quantity of gas or water supplied or consumed, to affix or cause or permit to be affixed any pipe or apparatus to a pipe belonging to the

Corporation, or to a communication or service pipe belonging to or used by such owner, occupier, consumer, or other person, or to make any alteration in any such communication or service pipe, or in any apparatus connected therewith, without the consent in every case of the Corporation; and if any person acts in any respect in contravention of the provisions of the present section he shall be liable to a penalty not exceeding five pounds, without prejudice to the right of the Corporation to recover damages from him in respect of any injury done to their property, and without prejudice to their right to recover from him the value of any water or gas wasted, misused, or unduly consumed.

Penalty for application of water contrary to agreement.

219. If any person,—

First, not having from the Corporation a supply of water for other than domestic purposes, uses or suffers to be used for other than domestic purposes any water supplied to him by the Corporation; or,

Secondly, having from the Corporation a supply of water for other than domestic purposes, uses, or suffers to be used, for any purposes of affording power, or in connexion with any machinery or apparatus whatsoever, or other purposes than those for which he is entitled to use the same, any water supplied to him by the Corporation;

he shall for every such offence be liable to a penalty not exceeding five pounds, without prejudice to the right of the Corporation to recover from him the value of the water misused.

Penalty for allowing persons to wrongfully use the water.

220. If without the license of the Corporation any owner or occupier of any building supplied with water by the Corporation supplies to any other person, or wilfully permits him to take, any such water from any cistern or pipe in such building, unless for the purpose of extinguishing fire, or unless he is a person supplied with water by the Corporation, and the pipes belonging to him are, without his default, out of repair, such owner or occupier shall be liable to a penalty not exceeding five pounds, and the existence of any communication pipe or other apparatus suited for such supply or permission shall be primâ facie evidence of such supply or wilful permission: Provided always, that the aforesaid provision shall not apply to any railway company or their officers permitting any person travelling, or about to travel, on any railway, obtaining at any station a supply of water for drinking.

Penalty for use of water without agreement.

221. Except as herein-before excepted, if any person not being supplied with water by the Corporation wrongfully takes or uses any water from any reservoir, watercourse, conduit, or pipe belonging to the Corporation, or from any pipe leading to or from any such reservoir, watercourse, conduit, or pipe, or from any

A.D. 1871.

cistern or other like place containing water belonging to the Corporation, or supplied by them for the use of any consumer of the water of the Corporation, he shall be liable to a penalty not exceeding five pounds, without prejudice to the right of the Corporation to recover from him the value of the water taken or used.

Penalty for destroying valves, &c.

222. If any person wilfully or carelessly breaks, injures, or opens or shuts any lock, cock, valve, pipe, work, or engine belonging to the Corporation, or flushes, turns, or draws off the water from the mains, pipes, reservoirs, or other works of the Corporation, or does any other wrongful act whereby such water is wasted, he shall be liable to a penalty not exceeding five pounds, without prejudice to the right of the Corporation to recover from him the value of the water wasted.

Penalties for causing water to be fouled, &c.

223. If any person does any of the following things; (that is to say,)

Bathes in any stream from which water is taken by the Corporation within two hundred yards above the junction with such stream of the conduits of the Corporation, or in any reservoir, aqueduct, or other waterworks belonging to the Corporation, or washes, throws, or causes to enter in such reservoir, aqueduct, or waterworks, any cattle, dog, waterfowl, or other animal;

Throws, places, or deposits any rubbish, dirt, filth, or other noisome thing into any such stream, reservoir, aqueduct, or other waterworks, or washes or cleanses therein any cloth, wool, leather, or skin of any animal, or any clothes or other thing;

Causes the water of any sink, sewer, drain, steam-engine, boiler, or other filthy water belonging to him or under his control, or any water carrying refuse from any manufactory or work, to run or be brought into any such stream, reservoir, aqueduct, or other waterworks, or does any other act whereby the water of the Corporation is or might be fouled;

he shall be liable to a penalty not exceeding five pounds, and in case of the last-mentioned offences, or any of them, to a further penalty not exceeding twenty shillings for every day (if more than one) on which that offence is continued.

Penalty for permitting substances produced in making gas to flow into water.

224. If the Corporation at any time cause or suffer to be brought, or to flow into any stream, reservoir, aqueduct, or waterworks, or into any drain communicating therewith, any washing or other substance produced in making or supplying gas, or wilfully do any act connected with the making or supplying of gas, whereby the water in such stream, reservoir, aqueduct, or waterworks is

fouled, they shall forfeit a sum not exceeding two hundred pounds, to be recovered with full costs of suit in any of the superior courts by the person into whose water such washing or other substance is conveyed or flows, or whose water is fouled by any such act as aforesaid; but such penalty shall not be recoverable unless sued for during the continuance of the offence, or within six months after it has ceased, and, in addition to the said penalty, and whether such penalty has been recovered or not, the Corporation shall forfeit the sum of twenty pounds, to be recovered in like manner, for each day during which such washing or substance is brought or flows as aforesaid, or during which the act continues by which such water is fouled, after the expiration in either case of twenty-four hours from the time when notice of the offence has been served on the Corporation by the person aggrieved.

Penalty if water contaminated by gas.

225. Whenever any water is fouled by the gas of the Corporation they shall forfeit to the person whose water is fouled a sum not exceeding twenty pounds, and a further sum not exceeding ten pounds for each day during which the offence continues after the expiration of twenty-four hours from the service of notice of such offence.

Power to examine gas pipes to ascertain cause of water being fouled.

226. For the purpose of ascertaining whether such water is fouled by the gas of the Corporation, the person to whom the water alleged to be fouled belongs may dig up the ground and examine the pipes, conduits, and works of the Corporation: Provided that before proceeding so to dig and examine he shall give twenty-four hours notice in writing of the time and place at which such digging and examination are intended to be made to the Corporation, and to the persons having the control or management of the road, pavement, or place where such digging is to be done, and the person so making such examination shall be subject to the like obligation of reinstating the road, pavement, or place, and the same penalties for delay or any nonfeasance or misfeasance therein as in this Act provided with respect to roads and pavements broken up by the Corporation for the purpose of laying pipes.

Expenses to abide the result of examination.

227. If upon such examination it appear that such water has been fouled by any gas belonging to the Corporation, the expenses of the digging, examination, and repair of the street or place disturbed in any such examination shall be paid by the Corporation, but if on such examination it appears that the water has not been fouled by the gas of the Corporation, then the person causing such examination shall pay all the expenses of the examination and repair, and also make good to the Corporation any injury thereby occasioned to their works.

A.D. 1871.

Daily penalty during escape of gas after notice.

228. Whenever gas escapes from any pipe laid down or set up by or belonging to the Corporation, they shall immediately after receiving notice thereof in writing prevent such escape; and in case they do not within twenty-four hours next after service of such notice effectually prevent gas from escaping, and wholly remove the cause of complaint, they shall forfeit a sum not exceeding five pounds for each day during which gas is suffered to escape after the expiration of twenty-four hours from the service of such notice.

Quality of gas.

229. All the gas supplied by the Corporation shall be of such quality as to produce from an argand burner having fifteen holes and a seven-inch chimney, or other approved burner and chimney, and consuming five cubic feet of gas per hour, a light equal in intensity to the light produced by fifteen sperm candles of six in the pound, burning one hundred and twenty grains per hour.

Experimental meter.

230. The Corporation shall, within six months next after the commencement of this Act, cause to be erected in some convenient part of their works, and in such a situation as to test the whole of the gas supplied by them, an experimental meter furnished with an argand fifteen-hole burner and a seven-inch chimney, or other approved burner and chimney, capable of consuming five cubic feet of gas per hour, with other necessary apparatus for testing the illuminating power of the gas.

Experiments on illuminating power.

231. Two justices, on receiving a requisition signed by five or more consumers of the gas supplied by the Corporation to the aggregate amount of thirty pounds within the year immediately preceding, complaining that such gas is not in their judgment and belief of the full illuminating power prescribed by this Act, may, if they think fit, by order in writing, appoint some competent person, not being a member or officer or servant of the Corporation, to proceed to the works of the Corporation, and the person so appointed, on giving six hours previous notice in writing to the Corporation, may at any reasonable hour in the daytime, on producing the said order, enter on the premises of the Corporation, and in the presence of the manager of the gasworks, or other officer of the Corporation, make experiments of the illuminating power of the gas by means of the experimental meter and other apparatus above mentioned, and the Corporation and their officers shall afford all reasonable facilities and assistance to the making of such experiment.

Penalty on Corporation if illuminating power insufficient.

232. If it is proved to the satisfaction of such two justices, after hearing the parties, that the illuminating power of the gas supplied by the Corporation did not, when so tested as aforesaid, equal the

illuminating power by this Act prescribed, or that the Corporation or their officers refused to afford such reasonable facilities as aforesaid, or hindered or prevented the making of such experiment, then the Corporation shall forfeit and pay to the consumers making the requisition such sum not exceeding twenty pounds as the justices determine.

Costs of experiments.

233. The costs of and attending such experiment, including the remuneration to be paid to the person making the same and the costs of the proceedings before the justices, shall be ascertained by such justices, and, together with any penalty which may be imposed on the Corporation, shall be paid by the Corporation; but in the event of no penalty being imposed, such costs shall be awarded to be paid to the Corporation by the person making such requisition as aforesaid, and shall be paid and levied accordingly.

Power to break up streets, &c.

234. The Corporation may, subject to the provisions of this Act, open and break up the soil and pavement of the several streets and bridges within the borough, and take up or remove any sewers, drains, pipes, tunnels, works, or obstructions within or under such streets and bridges, and lay down and place pipes, conduits, service pipes, and other works, and also make any sewers necessary for carrying off washings and waste liquids arising in the making of gas, and from time to time repair, alter, or remove the same, and for the purposes aforesaid remove and use all earth and materials in and under such streets and bridges, and do all other acts which the Corporation from time to time deem necessary for supplying gas and water within the borough, doing as little damage as may be in the execution of the powers hereby granted, and making compensation for any damage done in the execution of such powers.

Power of carrying water mains.

235. The Corporation shall have the same power for carrying water mains as they have for carrying sewers under the provisions of this Act.

Power to place bridges or pipes over or under railways and canals.

236. Notwithstanding anything in this Act, the Corporation may from time to time, with the consent in writing of any railway or canal company, erect or place any bridges for carriageways or footways, or any pipe for the conveyance of gas or water under or over any railway or over any canal, in such position as shall be agreed upon between the Corporation and the railway or canal company affected thereby, leaving proper and sufficient head room for the traffic on the railway or canal, and (unless otherwise agreed to by the company or persons proprietors of the railway or canal) placing the piers, pillars, or supports of any such bridge or pipe the clear width of the railway (including, if the company so require,

A.D. 1871.

the clear width of any railway slope or embankment), or canal and towing-path, and in any such case doing as little damage as may be, and making compensation for the easement for such bridge or pipe, and for any damage done, and shall from time to time maintain and repair any such bridge or pipe, together with the approaches to such bridge, and may from time to time remove and take away, or, with the consent and subject to the other conditions prescribed in this section, may alter any such bridge or pipe, and for the purposes of executing any of the powers of the present section may from time to time enter on any lands of the company or persons proprietors of the railway or canal, and for the purpose of putting up and erecting any pier, pillar, or other structure to support any such bridge or pipe (but not otherwise) may from time to time break up the soil or surface of any such lands, making compensation for any damage done, but all works done by the Corporation by virtue of the powers of the present section shall be executed according to plans and sections previously submitted to and approved by the railway or canal company affected thereby, and the works shall be executed under the superintendence and to the reasonable satisfaction of the engineer of the company or persons proprietors of the railway or canal affected; and in case of any difference arising touching such plans and sections, or the mode of executing any works under the present section, the same shall be determined by a referee appointed by the Board of Trade on the application of either party, and if any railway or canal company do not consent to any works as aforesaid, the question whether such works are reasonable and proper and ought to be consented to shall be determined by a referee appointed in like manner; and the costs of any such reference as aforesaid shall be in the discretion of the referee; and nothing in this Act shall empower the Corporation to acquire otherwise than by agreement any greater interest in any such lands than such an easement therein as may be necessary for the purposes of this section.

Notice to persons having control, &c. before breaking up streets or opening drains.

237. Before the Corporation open or break up any street or bridge, or take up or remove any sewer, drain, pipe, tunnel, work, or obstruction, they shall give to the persons under whose control or management the same may be (if any such persons there be other than the Corporation), or to their clerk, surveyor, or other officer, notice in writing of their intention to open or break up, take up, or remove the same not less than three clear days before beginning such work, except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as is possible after the beginning of the work, or the necessity for the same has arisen.

Streets, &c. not to be broken up except under superintendence of persons having control.

238. No such street, bridge, sewer, drain, pipe, tunnel, work, or obstruction shall, except in the cases of emergency aforesaid, be opened or broken up, except under the superintendence of the persons having the control or management thereof (if any such there be other than the Corporation), or of their officer, and according to a plan approved of by such persons or their officer, or in case of any difference respecting such plan, then according to such plan as shall be determined by two justices; and such justices may, on the application of the persons having the control or management of any such sewer or drain (if any as aforesaid), or their officer, require the Corporation to make such temporary or other works as they may think necessary for guarding against any interruption of the drainage during the execution of any works which interfere with any such sewer or drain: Provided always, that if the persons having such control or management as aforesaid, and their officer, fail to attend at the time fixed for the opening of any such street, bridge, sewer, drain, or tunnel, after having had such notice of the intention of the Corporation as aforesaid, or do not propose any plan for breaking up or opening the same, or refuse or neglect to superintend the operation, the Corporation may perform the work specified in such notice without the superintendence of such persons or their officer.

Streets, &c. broken up to be reinstated without delay.

239. When the Corporation open or break up the road or pavement of any street or bridge, or take up or remove any sewer, drain, pipe, tunnel, work, or obstruction, they shall with all convenient speed complete the work for which the same is opened or broken up, and fill in the ground, and reinstate and make good the road or pavement, or the sewer, drain, pipe, tunnel, work, or obstruction so opened or broken up, or taken up or removed, and carry away the rubbish occasioned thereby, and shall at all times whilst any such road or pavement is so opened or broken up cause the same to be fenced and guarded, and cause a light sufficient for the warning of passengers to be set up and kept there every night during which such road or pavement is continued open or broken up, and shall after replacing and making good the road or pavement so broken up keep the same in good repair; but where any persons other than the Corporation are liable to the maintenance of the road or pavement, then only for three months thereafter, and such further time, if any, not being more than twelve months in the whole, as the soil so broken up continues to subside.

Penalty for delay in reinstating streets, &c.

240. If the Corporation open or break up any street or bridge, or take up or remove any sewer, drain, pipe, tunnel, work, or obstruction, without giving such notice as aforesaid, or in a manner

A.D. 1871.

different from that approved of or determined as aforesaid, or without making such temporary or other works as aforesaid, when so required, except in the cases in which the Corporation are authorised to perform such works without any superintendence or notice, or if the Corporation make any unnecessary delay in completing any such work, or in filling in the ground, or reinstating and making good the road or pavement, or the sewer, drain, pipe, tunnel, work, or obstruction so opened or broken up, or taken up or removed, or in carrying away the rubbish occasioned thereby, or if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the road or pavement in repair for such time as aforesaid after the same is made good, they shall forfeit to the persons having the control or management of the street, bridge, pipe, sewer, drain, tunnel, work, or obstruction in respect of which such default is made (if any such there be other than the Corporation) a sum not exceeding five pounds for every such offence, and an additional sum of five pounds for each day during which any such delay as aforesaid continues after they receive notice thereof.

In case of delay other parties may reinstate and recover the expenses.

241. If any such delay or omission as aforesaid takes place the persons having the control or management of the street, bridge, sewer, drain, pipe, tunnel, work, or obstruction in respect of which such delay or omission takes place, may cause the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to such persons by the Corporation.

Incorporation of parts of Waterworks Clauses Acts.

242. The following provisions are hereby incorporated with this Act; (namely,)

(1.) The provisions of the Waterworks Clauses Act, 1863, with respect to the security of the reservoirs constructed by the undertakers:

(2.) The provisions of the Waterworks Clauses Act, 1847, with respect to mines.

Act not to exempt Corporation from liability.

243. Nothing in this Act shall exempt the Corporation from liability for any injury or damage occasioned by the failure or want of repair of any of the reservoirs, embankments, culverts, weirs, pipes, conduits, or other waterworks.

Reserve funds for contingencies as to gas and water works.

244. The Corporation shall from time to time set apart out of the profits of their gas undertaking and severally out of the profits of their waterworks undertaking, but not out of any other receipts, such sums as they think proper to form a reserve fund to meet contingencies, or for repairing or improving from time to time works connected with the several undertakings producing it, and may

invest and accumulate in each case the several sums so set apart, in the way of compound interest or otherwise, but so that the respective reserve fund shall not at any time exceed the principal sum of five thousand pounds, and may from time to time, if and as occasion requires, apply all or any part of the respective reserve fund to the purposes for which it is so set apart, and replace by similar means all sums so applied, and whenever and as long as the respective reserve fund unapplied amounts to five thousand pounds they shall carry the interest, dividends, or annual income thereof respectively to the borough fund, and the same respectively shall form part of that fund.

Penalty for illegally diverting water.

245. Every person who shall illegally divert or take the water supplying or flowing into any streams which the Corporation are authorised to take or any part thereof respectively, or who shall do any unlawful act whereby the said streams or supplies of water may be drawn off or diminished in quantity, and who shall not immediately repair the injury done by him on being required so to do by the Corporation, so as to restore the said waters to the state in which they were before any such act, shall forfeit to the Corporation any sum which shall be awarded by two justices, not exceeding five pounds for every day during which the said supply of water shall be diverted or diminished, and any such sum shall be in addition to any sum to which such person may be lawfully adjudged liable to pay to the Corporation for any damage they may sustain by reason of their supply of water being diminished: Provided that nothing herein shall prevent the owners and occupiers for the time being of lands through which such streams flow from using the water thereof in such manner and to such extent as they might have done before the taking thereof by the Corporation, unless they have received compensation in respect of their right of so using such water.

Saving existing contracts for supply of gas and water.

246. Nothing in this Act shall alter, prejudice, or affect any existing contract or agreement with the Corporation for the supply of gas or water.

IX.—PARKS, TOWN HALL, PUBLIC BUILDINGS, AND CLOCKS.

Power to purchase lands for formation of parks and to form parks, &c.

247. The Corporation may from time to time purchase by agreement any lands within the borough or in the neighbourhood thereof to be appropriated for the purposes of parks or places of public resort or recreation, or the enlargement or improvement thereof, or of the approaches thereto, and every such purchase may be made either absolutely for a sum in money, or for any annual rent or

A.D. 1871.

rents, or partly for a sum of money and partly for such rent or rents, and for the purposes of any such park or place construct, enlarge, maintain, and repair, or take down on any such lands such buildings, walls, and fences as they think proper, and level, drain, sewer, pave, flag, gravel, lay out, plant, or otherwise improve every such park or place, and do such other acts as appear necessary to the Corporation with a view to the proper formation, maintenance, improvement, use, and enjoyment of every such park or place.

Power to make bye-laws for regulation of parks, &c.

248. The Corporation may from time to time make byelaws for all or any of the following purposes relating to any such park or place of public resort or recreation as aforesaid; (that is to say,)

For appointing and regulating keepers or servants employed therein:

For regulating the days on and hours at which the park or place is to be opened and closed:

For regulating the conduct of persons frequenting the park or place:

For regulating the days on and hours at which games and gymnastics are to be permitted therein:

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

For regulating refreshment rooms therein, and for determining the days on and hours at which they are to be opened and closed, and the nature and price of the articles and things to be sold therein:

For preventing or regulating the admission therein of dogs:

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

For preventing or regulating the admission therein of vehicles and horses:

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

For enabling the servants of the Corporation to exclude therefrom persons not being clean, or not being dressed in clean and decent clothes, and to remove therefrom persons guilty of a breach of any byelaw relative thereto, or of any public law.

Exemption of parks from local taxation.

249. Every such park or place, and all buildings thereon, and every part thereof respectively, and the Corporation and all persons

with respect to the same, shall be wholly exempt from all municipal, parochial, and other local rates, assessments, and impositions whatsoever.

Power to provide town hall, courts, gaols, &c.

250. The Corporation may continue and maintain, or take down and remove, the existing offices and other buildings belonging to or used by them for the purposes of the Corporation under the Municipal Corporation Acts, or otherwise, and may build on the site thereof, or on other land belonging to or held by them before the passing of this Act for unexpired terms originally granted for not less than nine hundred and ninety-nine years, and of which nine hundred years at the least are now unexpired, a town hall, police courts, gaols, station-houses, and other public offices and buildings, and may from time to time enlarge and improve the same, and furnish and fit up the same with all proper furniture and conveniences, and may let or allow the use of any public building belonging to them for such purposes as they see fit, if and when the same are not required for the purposes of the Corporation, and may dispose by sale, lease, or otherwise of the sites of existing buildings belonging to them, or so much thereof as is not required for new buildings, and may dispose of the materials of existing buildings when taken down, or may dispose by sale, lease, or otherwise of existing buildings belonging to them and not required for the purposes of the Corporation without taking down and removing the same; and the Corporation may from time to time purchase by agreement any lands for the purposes of a town hall, police courts, gaols, station-houses, and other public offices and buildings, and every such purchase may be made either absolutely for a sum in money or for any annual rent or rents, or partly for a sum of money and partly for such rent or rents.

Power to provide public clocks.

251. The Corporation may from time to time provide, place, and light such clocks as they consider expedient in, on, or against any public building, or, with the consent of the owner or occupier, in, on, or against any private building, or, with the consent of the incumbent and churchwardens or of the trustees, in, on, or against any church or chapel.

X.—MARKETS AND FAIRS AND SLAUGHTER-HOUSES.

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

252. With respect to markets and fairs and the providing of slaughter-houses within the market limits, the Corporation shall have the following powers and duties; (namely,)

(1.) They may continue and from time to time appoint and provide proper market places and market houses and exchanges

A.D. 1871.

for the sale of marketable articles and places for fairs, with proper stalls, sheds, standings, pens, and other buildings, approaches, works, and conveniences:

(2.) They may continue the markets held in the market hall and the wholesale market held in the market place and approaches thereto, and the cattle market, pig market, hay and straw market in the cattle market, Parker Lane, and the fairs held within the market limits, and may from time to time establish and hold new markets and fairs:

(3.) They may provide and keep sufficient and proper weighing houses or places, weights and measures, scales and machines, for weighing or measuring articles and weighing carts in the markets or fairs, and shall appoint and keep proper persons to attend to such weighing or measuring during the holding of the markets or fairs:

(4.) They may from time to time provide proper slaughter-houses, with all necessary fittings and conveniences:

(5.) They may demand and receive tolls, stallages, and rents (not exceeding the tolls, stallages, and rents specified in the Third Schedule to this Act) from persons selling, offering, or exposing for sale articles in the markets or fairs, and in any new markets or fairs or exchanges to be established and held under this Act, or using the buildings or conveniences in the markets or fairs, or frequenting the markets or fairs, or using the weighing houses or places, weights, measures, scales, or machines, in the markets or fairs, or using the slaughter-houses:

(6.) They may alter or discontinue any market or fair, and enlarge, improve, alter, or remove any market place or market house, or any place for fairs, or any approach, work, or convenience, or any weighing house or place, or any slaughter-house:

(7.) For the purposes aforesaid they may from time to time purchase by agreement, or take at a rent, any lands and any easements or rights in, over, or affecting lands, or appropriate any lands for the time being belonging to them or under their control:

(8.) They may from time to time, by agreement, purchase and acquire any franchise and other rights of and with respect to fairs and the holding of fairs within the market limits, and taking tolls thereat.

Compensation to persons having other fairs.

253. The Corporation shall, within one month next after the passing of this Act, give, by advertisement in two or more news-

papers circulating in Burnley, notice that all persons legally entitled to fairs within the market limits may require that the Corporation shall purchase those fairs or make compensation by reason of the same being interfered with by or under this Act, and the amount of the purchase money, if not agreed on, shall be ascertained, and the purchase money or compensation shall be recovered and applied in accordance with the provisions in that behalf of the Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, or one of them.

Prohibition of fairs except those of Corporation.

254. From and after the time when the Corporation have purchased or compensated for all legal fair rights (if any) within the market limits, or if within three months after the giving of such notice as is prescribed by the last-preceding section hereof no person shall have made a claim to any such rights, then from and after that period all fair rights (if any) within the market limits shall be vested in the Corporation, and no other fairs, not being the fairs of the Corporation, shall be held in any of the streets or elsewhere within the market limits.

Limits of markets and fairs.

255. The limits of the markets and fairs of the Corporation shall be the borough, and the remainder of the townships of Burnley and Habergham Eaves, and such limits are herein referred to as the market limits, and this part of this Act shall be applicable to the market limits accordingly.

Power to make bye-laws for regulation of markets, tolls, &c.

256. The Corporation may from time to time make byelaws for all or any of the following purposes; (namely,)

For appointing the days on which and the hours during which any market or fair is to be held, or the time during which and the mode in which any article may be sold or exposed or offered for sale in any market or fair, and for the removal of any article and of persons from any market or fair after sale, or at the close of the market or fair:

For regulating the use of the market places, market houses, and places for fairs, and the buildings, conveniences, and works connected therewith, and the weighing houses or places, and the slaughter-houses, and for preventing the bringing therein of any diseased, injured, offensive, injurious, adulterated, or spurious article, and for preventing nuisances and obstructions therein, or in the approaches thereto, and damage and danger thereto:

For fixing the amount of the tolls, stallages, and rents which the Corporation will demand and receive in respect of markets and fairs, weighing houses and places, and slaughter-houses, and

A.D. 1871.

for regulating the time when the same respectively shall become due and payable, and the collection thereof:

Provided that no such byelaw shall be made with respect to any fair until all legal fair rights (if any) within the market limits are in manner herein-before provided vested in the Corporation.

Public notice of removal of markets, &c.

257. Notwithstanding anything in this Act, before the Corporation remove any market or fair, or alter the day for holding any market or fair, they shall give at least one month's notice by advertisement in some one or more newspapers circulating within the market limits, and by placards affixed to conspicuous places within the market limits; and a statutory declaration by an officer of the Corporation to the effect that public notice has been given in accordance with this section shall be received as evidence of the facts thereby declared.

Days for fairs.

258. Unless and until the Corporation otherwise order under this Act, the three fairs held in the borough shall respectively be held as follows, namely, the first on the sixth day of March, but if that day be Sunday then on the following day, the second on Easter Eve, and the third on the second Thursday in the month of July and the two following days, being the days on which the same have hitherto been held.

License for sale out of market.

259. The Corporation may from time to time, if they think fit, grant to any person a license to sell or expose for sale in a place (other than a market place or market house, or in his own dwelling-house or shop), or from door to door, any article in respect of the sale or exposure for sale whereof in any market place or market house, or in respect of the user of any stall or other convenience for the sale or exposure for sale whereof in any market place or market house any toll, stallage, or rent is leviable by or payable to the Corporation, every such license being granted on such terms and conditions as the Corporation think fit, and to endure for a period not exceeding twelve months, and to be revocable in such cases as the Corporation prescribe, and the Corporation may demand and take for every such license for a period of twelve months any sum not exceeding one pound, which shall be paid by them to the lessee for the time being (if any) of the market for his own use, and if any person does any act for which such a license is authorised without having obtained such license, or does any act in contravention of or omits to do anything required by any license granted to him, he shall be liable on summary conviction to a penalty not exceeding forty shillings for every day on which any such offence is committed by him.

Prohibition of sale except in markets, &c.

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

Sale of cattle out of market.

. Every person who within the market limits, except in the t, sells or offers or exhibits for sale, or permits to be offered or exhibited for sale, any cattle other than cattle e bonâ fide property of such person, and have been in within the market limits for the space of seven days sale, offer, or exhibition, shall be liable to a penalty g five pounds, but nothing in this section shall prevent e owner of any cattle, or any horse dealer to whom only s are consigned for sale, from at any time selling the same, or ng or exhibiting the same for sale, in, or with respect to horses, le, his own house, yard, or land.

Market inspectors, &c. may be made constables.

262. The Corporation may cause the inspectors of markets and , and all persons appointed to assist them, permanently or rwise, to be sworn before a justice as constables, and the men so rn shall have all such powers, authorities, and privileges, and ll perform and be liable to all such duties and responsibilities, as stables appointed under the Municipal Corporation Acts.

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

263. The several tolls in the markets and fairs payable in respect he occupation or user of any shop, stall, shed, standing, station, place shall be paid not only by the original taker or occupier reof for a part of a day or other time, if he do not occupy it the hole day, but also by any subsequent taker or occupier of the same r any subsequent part of the same day or other time.

Tolls to be payable by successive sellers of articles.

264. The several tolls in the markets and fairs payable in respect any article shall be paid not only by the original seller, but also by subsequent seller or person who offers such article for sale, and

A.D. 1871.

such tolls shall become payable before such article is sold or o for sale.

Tolls in respect of cattle market when due.

265. The tolls in respect of cattle brought to the market f shall become due as soon as the cattle in respect whereof t demandable are brought into the market place, and before th are put into any pen or tied up in such market place, and cattle be not removed within one hour after the close of the another toll shall become due in respect of the cattle so om be removed.

Leases of tolls.

266. The Corporation from time to time may let all or the tolls from time to time payable to them under this A either with or separate from all or any of the works and conv of the Corporation, for not exceeding three years, on such pecuniary and otherwise, and conditions as the Corporation a lessees mutually agree upon.

Tolls to be taken by lessees, &c.

267. The several tolls respectively specified in the Thi to this Act annexed may be demanded and taken by the Corporation, and by the lessees of the Corporati officers respectively.

Leases of slaughter-houses, &c.

268. The Corporation from time to time may let t houses, weighing houses, or weighing places, and weighi or any of them, for not exceeding three years, on such terms, niary and otherwise, and conditions as the Corporation an lessees mutually agree on.

Leases of stalls, &c.

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

Assignment of leases.

270. The lessee of any tolls, slaughter-house, weighing hou weighing machine, stall, shop, standing, or other convenience, executors, administrators, and assigns, with the consent of Corporation, may assign the same for the residue of his term.

Penalty for taking excessive toll.

271. If any person demands or receives a toll, stallage, or r higher than that authorised, he shall be liable to a penalty n exceeding forty shillings.

Recovery of tolls.

272. If any person liable to the payment of any toll, stallage, rent payable to the Corporation does not pay the same when manded, the Corporation or their lessee, or any person authorised

orporation or their lessee to collect the same, may seize and the article in respect of which the same is payable, or any article in the market belonging to the person liable to pay the r under his charge; and if the toll, stallage, or rent, and the ble charges of the seizure and detention, and of the keeping aintaining of the article seized, is not paid, in case of perish- rticles seized forthwith, and in case of other articles seized four days from the time of seizure, the Corporation or their nay forthwith, or on the expiration of those four days (as the ay be), sell the article seized, and out of the money arising may pay and retain the toll, stallage, or rent, and the s aforesaid and those of the sale, returning the overplus ny) on demand to the owner of the article seized, or such tallage, or rent may be recovered in any court of competent tion.

Settlement of disputes as to tolls.

If any dispute arises concerning any toll, stallage, or rent, rges of keeping or selling any distress, such dispute shall ed by a justice, who, on application made to him, shall he same, and make such order therein, and award such either party, as he thinks proper, and in default of payment emand of the money so awarded, and of the costs, the same be levied by distress.

Articles to be weighed if requested by buyer.

274. Every person selling or exposing or offering for sale, by ght or measure, any article in any market or fair, shall, if required o do by the buyer, cause the same to be weighed or measured at of the weighing houses or places of the Corporation, and if any on refuses on demand to comply with such requisition he shall iable to a penalty not exceeding forty shillings.

Penalty for refusal to weigh, &c.

275. If any person appointed by the Corporation to weigh or measure any articles sold in any market or fair refuses or neglects to weigh or measure any article when required, he shall be liable to a penalty not exceeding forty shillings.

Carts to be weighed at one of the machines erected by the Corporation.

276. The driver of any cart laden with any article brought thin the market limits for sale or delivery therein shall, at the uest of the buyer of such article or his agent, or of the seller ereof or his agent, take such cart, with or without the loading ereof, to the nearest weighing machine for carts provided by the rporation, and shall permit the same to be weighed, and if such rt is weighed with its load the driver shall, if required, take it ter its load has been discharged to the weighing machine for carts

A.D. 1871.

provided by the Corporation nearest to the place of discharg permit it to be re-weighed without its load; and if any drive the purposes aforesaid required to take a cart a greater d than half a mile, including the going to and returning fr machine respectively, the owner of the cart shall be paid f horse used in drawing it twopence for the first half mile, an sum for every additional half mile, and such payment shall b by the person requiring the cart to be weighed before th shall be obliged to take it to be weighed.

Penalty on drivers for refusing to take carts to be weighed, &c.

277. If the driver of any such cart, on being requeste having such payment made or tendered as aforesaid, does n the cart to be weighed as herein-before directed, or refuses t in the weighing thereof, he shall for each offence be liable penalty not exceeding twenty shillings.

Penalties on drivers committing frauds in weighing.

278. If any driver of any cart weighed at any weighing provided by the Corporation under this Act commits a following offences, he shall be liable to a penalty not ex pounds; (that is to say,)

If he at the time of the weighing knowingly has an about the cart other than the proper loading thereof:

If he alters any ticket denoting the weight of the cart loading:

If he makes or uses, or is privy to the making or using, o ticket falsely stating the weight of the cart or of its loadin

If he, after the weighing of the cart with its loadings, rem any part of the loading, and afterwards disposes of, or atte to dispose of, or represents the residue of such loading as the full loading denoted by any such ticket:

If he, between the time when the cart and the loading there have been so weighed and the time when the cart is weighe without its loading, changes the wheels of the cart, or make any other change upon it, after being required to allow it to b weighed without its loading:

If he is guilty of any other fraudulent contrivance to misrepre the weight of any such cart, or of the loading thereof.

Penalty on buyers or sellers for committing frauds in weighing.

279. If the buyer or seller of any articles in any cart require be weighed as aforesaid does anything to such cart or its load whereby the true weight thereof respectively is altered before s weighing, he shall be liable to a penalty not exceeding five poun

Penalties for frauds committed by

280. The person for the time being appointed to keep a weighing machine for carts provided under this Act shall be li

to a penalty not exceeding five pounds in each of the following cases; (that is to say,)

the machine keeper.

If he wilfully neglects, on application, duly to weigh any cart, with or without its loading, as the case may be, that is brought to the machine kept by him to be weighed:

If he does not fairly weigh every such cart, with or without loading, as the case may be:

If he does not deliver to the buyer or seller of any such loading, or to any person interested therein, on application, a ticket oraccount specifying the true weight of such cart, with or without such loading, as may be required:

If he gives to any person a false ticket or account of the weight of such cart, with or without the loading thereof:

If he commits any fraud concerning the weighing of any cart, or the loading thereof, or makes any false representation of the weight of the same respectively.

Penalty on other parties committing frauds as to weighing.

281. If any person commits any fraud respecting the weighing or weight of any cart, or the loading thereof, he shall be liable to a penalty not exceeding five pounds.

Seizure of false weights, &c.

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

Forfeiture of articles left in market.

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

Offences in market.

284. Every person who in any market or fair commits any of the following offences shall for every such offence be liable to a penalty not exceeding two pounds, and the superintendent of the market, or other officer authorised by the Corporation, or any peace

A.D. 1871.

officer, may remove from the market and take into custody without warrant any person who within his hearing or view (as the case may be) commits any such offence, and every person so taken into custody shall be forthwith conveyed before a justice; (that is to say,)

Every person who curses or swears, or uses any threatening, abusive, violent, offensive, obscene, or disgusting language:

Every person who is drunk and disorderly:

Every person who wilfully creates any obstruction:

Every person who loiters on any stall or bench, or in any other part of the market hall, vaults, or buildings:

Every person who fights, quarrels, or makes any affray or disturbance:

Every person who commits or creates any nuisance:

Every person who wilfully damages or makes any mark on any wall with chalk, paint, or otherwise, or posts any bill or paper thereon:

Every person who wilfully breaks any window or light, or does any other damage to the property of the Corporation.

Apprehension of persons treating animals cruelly.

285. If any person wantonly or cruelly tortures, beats, ill-treats, or abuses any animal in any market place, slaughter-house, or fair ground, any officer of the market or fair on view thereof, without any warrant other than this Act, may apprehend him and take him before a justice of the peace to be dealt with according to law.

Slaughter-houses.

286. The Corporation may set apart any buildings for, or erect on any land belonging to them, slaughter-houses.

When slaughter-houses provided, notice to be given.

287. After sufficient slaughter-houses are provided by the Corporation, and ready for public use, they shall give notice thereof by printed handbills posted and circulated within the market limits.

Penalty for slaughtering elsewhere after such notice.

288. After the expiration of twenty-one days from such notice no cattle or carcase of a cattle shall be slaughtered or dressed for sale in any place other than one of such slaughter-houses, and every person who shall after such time, and so long as the Corporation provide sufficient slaughter-houses, slaughter for sale any cattle, or dress for sale any such carcase, in any place other than one of such slaughter-houses, shall for every such offence forfeit not exceeding five pounds.

Justices to decide whether slaughter-houses are sufficient.

289. Whenever any question arises whether or not a sufficient number of slaughter-houses is provided by the Corporation, such question shall be determined by the justices before whom any such last-mentioned penalty is sued for.

Power to license slaughter-houses.

290. Until such slaughter-houses are provided, the following provisions with respect to the licensing of slaughter-houses shall have effect; viz.,

(1.) The Corporation may from time to time grant licenses for the use of buildings as slaughter-houses, and they may demand a sum not exceeding five shillings for any such license for twelve months, and in the like proportion for any shorter period:

(2.) They may, by order, revoke or suspend the license for any slaughter-house when in their opinion the same is a nuisance:

(3.) In case of any such revocation or suspension, the Corporation shall give notice thereof to the owner or occupier of such slaughter-house:

(4.) If such owner or occupier appeals unnecessarily against the order, the court of quarter sessions may impose on him a penalty not exceeding five pounds:

(5.) He shall not be obliged to discontinue the use of the slaughter-house pending an appeal:

(6.) If any person slaughters or dresses for sale any animal in any slaughter-house the license for which is suspended or revoked, he shall be liable to a penalty not exceeding five pounds:

(7.) If any licensed slaughter-house is not used as such for the space of three months the license thereof shall be deemed to be at an end:

(8.) The Corporation may from time to time make byelaws for the inspection of licensed slaughter-houses and the prevention of cruelty therein, and for the cleansing thereof, and for the supplying thereof with water.

Power to medical officer of health, &c. to inspect any animal, &c.

291. The medical officer of health, sanitary inspector, or any officer appointed by the Corporation for that purpose, may at all reasonable times within the market limits inspect and examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour exposed for sale, or deposited in any place for the purpose of sale or of preparation for sale, and intended for the food of man, the proof that the same was not exposed or deposited for such purpose or purposes, or was not intended for the food of man, resting with the party charged; and in case any such animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour appears to him to be diseased or unsound or unwholesome, or unfit for the food of man, he may seize, take, and carry away the same, or direct the same to be seized, taken,

A.D. 1871.

and carried away by any officer, servant, or assistant, in order to have the same dealt with by a justice; and if it appears to the justice that any such animal or article is diseased or unsound or unwholesome, or unfit for the food of man, he shall order the same to be destroyed or so disposed of as to prevent such animal or article from being exposed for sale or used for such food, and the person to whom such animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour belongs, or did belong at the time of sale or of exposure for sale, or in whose possession or on whose premises the same is found, shall be liable to a penalty not exceeding twenty pounds for every animal, carcase, or fish, or piece of meat, flesh, or fish, or any poultry or game, or for the parcel of fruit, vegetables, corn, bread, or flour so found, or, at the discretion of the justice, to imprisonment for any term not exceeding three calendar months.

Officers may enter upon premises where any animal, &c. is believed to be.

292. The sanitary inspector, the officer of health, or any other officer appointed by the Corporation for that purpose, may, when he has reasonable grounds for believing that within the market limits any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour intended for the food of man is exposed for sale or deposited in any place for the purpose of sale or of preparation for sale, enter into and upon the premises where any such animal or article is believed to be, at all reasonable hours, or at all hours during which business is carried on on such premises, without notice, and if the occupier or person in charge of such premises refuses or neglects to allow such entry he shall be liable to a penalty not exceeding five pounds.

Power for officers to order examination of bad meat.

293. It shall not be obligatory on any officer of the Corporation who finds any animal or article as aforesaid which appears unfit for the food of man to seize and carry the same before any justice, in order to the further inspection or examination thereof by competent persons; but any such officer may of his own authority seize such animal or article as aforesaid, and on such inspection or examination by competent persons, any justices may thereupon make such order in the premises in like manner as if such inspection and examination had been made under his order.

Officers may inspect knackers yards.

294. Any inspector or other officer authorised by the Corporation for that purpose may at all times, with or without assistance, enter into and inspect any knacker's yard, house, or place wheresoever, kept or used for slaughtering horses or other animals not fit for the food of man, and any building, shed, yard, or place belonging thereto, and ascertain the state and condition thereof.

Slaughtering prohibited, except in slaughter-houses provided or licensed by Corporation.

295. It shall not be lawful for any person to slaughter for sale any animal, or to dress for sale the carcase of any animal, in any place within the market limits other than a slaughter-house provided or licensed by the Corporation, and if any person acts in any respect in contravention of the present enactment he shall be liable to a penalty not exceeding five pounds.

Saving for Victoria Market.

296. And whereas there is in the borough a small building used as a market place and called the Victoria Market: Be it enacted, that the same shall be and it is hereby excepted from the operation of this part of this Act, and none of the provisions of such part shall apply thereto.

XI.—PUBLIC BATHS AND WASH-HOUSES, &c.

Power to provide baths, &c.

297. The Corporation may continue and maintain the existing baths, and may from time to time enlarge the same, and provide and maintain additional buildings suitable for public baths and wash-houses, or either of them, with or without open drying grounds, and make any open bathing places, and convert any buildings into such baths and wash-houses, and alter, enlarge, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite fittings, furniture, and conveniences, and they may (if they think fit) from time to time purchase by agreement or take a lease of any baths and wash-houses before or after the commencement of this Act established otherwise than by the Corporation, and appropriate the same to the purposes of public baths and wash-houses, with such additions or alterations as they deem expedient; and the trustees of any baths and wash-houses established or provided by private subscriptions or otherwise may, with the consent of the majority of the Committee or other persons by whom they were appointed trustees, sell such last-mentioned baths and wash-houses to the Corporation, or make over to them the management thereof, on such terms as may be agreed on; and every such sale as aforesaid may be made either absolutely for a sum in money or for any annual rent or rents, or partly for a sum of money and partly for such rent or rents.

Power to make bye-laws for regulation of baths, &c.

298. The Corporation may from time to time, with respect to public baths, wash-houses, and bathing places provided by them or under their management, make byelaws for all or any of the following purposes; namely,

For securing that the baths and wash-houses and bathing places be under the due control of the officers and servants of the Corporation, and for determining their duties:

A.D. 1871.

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

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

For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour, and nuisances:

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

Recovery of charges at wash-houses.

299. The officers and servants of the Corporation may detain clothes brought to be washed or other goods of any person refusing to pay any charge to which such person is liable for the use of the wash-houses of the Corporation till full payment thereof is made, and in case such payment is not made within seven days after the same becomes due may sell such clothes or goods, or any of them, returning the surplus proceeds of such sale (after deducting the unpaid charge and the expenses of detention and sale), and any unsold articles, on demand, to the owner or the person by whom the same were brought to be washed.

Power to discontinue baths, &c.

300. Whenever any baths or wash-houses or bathing places established by the Corporation, having been carried on for one year or upwards, are determined by the council to be unnecessary or too expensive to be kept up, the Corporation may discontinue the same, or any part thereof, and sell or dispose of the same or any part thereof.

XII.—LIBRARIES, MUSEUMS, SCHOOLS OF SCIENCE AND ART.

Power to establish public libraries, &c.

301. The Corporation from time to time may appropriate any lands vested in them, or by agreement purchase or take at a rent any lands or any suitable buildings, and upon any lands so appropriated, purchased, or taken erect any buildings suitable for public libraries or museums, or both, or public schools for science and art, or either of them, and apply, take down, alter, and extend any buildings for such purposes, and rebuild, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite fittings, furniture, and conveniences.

Management of libraries, &c.

302. The general management, regulation, and control of such libraries and museums, and schools for science and art, shall be vested in and exercised by the council, or such committee as the

council think fit from time to time to appoint (the members or some of the members whereof need not, if the council so think fit, be members of the council), who may from time to time purchase and provide the necessary fuel, lighting, and other similar matters, books, newspapers, maps, and specimens of science and art for the use of the library or museum or school, and cause the same to be bound or repaired when necessary, and appoint salaried officers and servants, and dismiss the same, and make rules and regulations for the safety and use of the libraries and museums and schools, and for the admission of the public.

XIII.—CEMETERY.

Power to continue cemetery.

303. The Corporation may continue, maintain, alter, enlarge, and improve their existing cemetery, and the chapels, buildings, works, and conveniences belonging thereto.

Corporation may make or widen roads to cemetery.

304. The Corporation may, on any land belonging to them, or over which they have the right to do so, make any new roads to the cemetery, or widen or improve any existing roads thereto, they think fit.

Power to make sewers, drains, &c. in and about the cemetery.

305. The Corporation shall make all necessary and proper sewers and drains in and about the cemetery for draining and keeping the same dry, and with reference thereto shall have the same powers and be subject to the same liabilities as are hereinbefore contained with reference to sewers for the effectual sewerage of the borough.

Limits of Act as to cemetery.

306. The limits within which this Act shall be put in force with respect to the cemetery shall be the townships of Burnley and Habergham Eaves, except the ecclesiastical district of All Saints, Habergham, in the township of Habergham Eaves, and such part of the ecclesiastical district of Saint James', Briercliffe-with-Extwistle, as is within the township of Burnley, and those limits are hereinafter referred to as the cemetery limits.

Enclosure and division of cemetery.

307. The cemetery shall continue enclosed by walls or other sufficient fences of the height of at least seven feet, and the consecrated portion of the cemetery shall be divided and distinguished from the other part thereof by suitable marks.

Corporation not to dispose of any land consecrated or used for burial.

308. The Corporation shall not sell or dispose of any land which shall have been consecrated or used for the burial of the dead, nor make use of such land for any purpose except such as is authorised by this part of this Act.

A.D. 1871.

Prohibition of burials elsewhere than in cemetery.

309. It shall not be lawful for any person to bury or permit to be buried any corpse in any place within the cemetery limits other than in the cemetery, and every person who, contrary to this enactment, buries, or permits to be buried, a corpse in any burial ground within the cemetery limits other than in the cemetery, shall for every such offence forfeit any sum not exceeding fifty pounds.

Excepting private vaults and graves.

310. Nothing herein contained shall prevent the owner of any existing private vault or grave in any burial ground within the cemetery limits from burying therein any member of his own family, but no such private vault or grave shall hereafter be enlarged; and in every case of a burial in such private vault or grave the coffin shall be so placed as that the upper surface thereof shall be at least three feet below the surface of the ground wherein the vault or grave is situate.

Incumbents of chapelries or ecclesiastical districts to perform service in cemetery.

311. The incumbents of the several parochial chapelries or ecclesiastical districts now or hereafter wholly or partially within the cemetery limits shall, in such rotation as they agree on, perform or cause to be performed by some clergyman of the Established Church of England whom they appoint, not being prohibited by the bishop or under ecclesiastical censure, at an hour to be fixed by them, not being earlier than eleven in the forenoon or later than six in the afternoon from the first day of April to the thirtieth day of September, both days inclusive, or later than five in the afternoon during the rest of the year, the burial service according to the rites of that Church over any deceased person brought for burial within the consecrated part of the cemetery over whom the same may lawfully be performed; and for every such burial there shall be paid to the clergyman performing such service the fee following; (that is to say,)

If the deceased died within the cemetery limits, and is buried at an hour fixed by the clergyman as aforesaid, two shillings; and if buried at any hour earlier than that fixed by the clergyman as aforesaid, six shillings.

Rotation list to be made.

312. A meeting of such incumbents shall be convened yearly for the first Wednesday in June, and such of them as shall then be present shall arrange the period, having reference to the population of their respective chapelries or districts, during which each of the said incumbents shall perform, or cause to be performed, the burial services at the cemetery for the then ensuing year; and such period, with the name of the respective incumbent, shall be entered by the Corporation in a book to be kept for that purpose at the cemetery,

and due notice shall be sent by an officer appointed by the Corporation to the respective incumbent of any intended burial, and the hour at which it is to take place.

Corporation may allow any burial service to be performed in unconsecrated part.

313. The Corporation may allow, within the unconsecrated part of the cemetery, or in any chapel built therein, a burial service to be performed according to the rites of any church or congregation other than the Established Church, by any minister of such other church or congregation duly authorised by law to officiate in such church or congregation, or recognised as such by the religious community or society to which he belongs.

Charges for graves.

314. The Corporation may, in addition to the incumbent's fees, charge such reasonable sum as they think fit for the digging of any grave, not exceeding the sums specified in the Fourth Schedule (Part I.) to this Act, and also such reasonable sums as they think fit for the making of any vault or catacomb.

Charges for single burials.

315. In addition to the sale of exclusive rights of burial, the Corporation may demand and take such sum as they think reasonable for the privilege of single burials in any vault, grave, or other place of burial made by them, or in the open ground of the cemetery, and such sum shall be recoverable by them in any court of competent jurisdiction; provided that the charge be the same in the consecrated as in the unconsecrated parts of the cemetery.

Interred bodies not to be removed.

316. No body buried in the cemetery shall be removed without the like authority as is by law required for the removal of any body buried in the churchyard belonging to a parish church.

Register of burials.

317. All burials in the cemetery shall be registered in register books to be provided by the Corporation, and kept for that purpose by the registrar, according to the laws for the time being in force by which registers are required to be kept by the rectors, vicars, and curates of parishes or ecclesiastical districts in England, and such register books, or copies or extracts therefrom, shall be received in all courts as evidence of such burials; and copies or transcripts of such portions thereof as relate to burials in the consecrated part of the cemetery shall be from time to time sent to the registrar of the ecclesiastical court of the Bishop of Manchester to be kept with the copies of the other register books of the parishes within his diocese.

Registers to be subject to regulations of 6 & 7 Will. 4. c. 86. as to searches, &c.

318. The register books, so far as respects searches to be made therein, and copies and extracts to be taken therefrom, shall be subject to the same regulations as are provided by an Act passed in the seventh year of the reign of His late Majesty King William the

A.D. 1871.

Fourth, intituled "An Act for registering births, deaths, and marriages in England," so far as such regulations relate to register book of burials kept by any rector, vicar, or curate.

Power to appoint registrar, gravediggers, &c.

319. The Corporation may appoint a registrar, gravediggers, and other servants necessary for the care and use of the cemetery, and may pay them such wages and allowances as they think fit out of the moneys to be received by virtue of this Act with respect to the cemetery, and may remove them, or any of them, at their pleasure.

Regulations for ensuring decency and solemnity.

320. The Corporation shall make regulations for ensuring that all burials within the cemetery are conducted in a decent and solemn manner.

No burials under or close to chapels.

321. No body shall be buried in any vault under any chapel of the cemetery, or within fifteen feet of the outer wall of any such chapel.

Parts of cemetery may be set apart for exclusive burial.

322. The Corporation may set apart such parts of the cemetery as they think fit for the purpose of granting exclusive rights of burial therein, and they may sell, either in perpetuity or for a limited time, and subject to such conditions as they think fit, the exclusive right of burial in any parts of the cemetery so set apart, or the right of one or more burials therein, and they may sell the right of placing any monument or gravestone in the cemetery, or any tablet or monumental inscription on the walls of any chapel or other building within the cemetery.

Form of grant of burial, &c.

323. The grant of any such right may be in the form in the Fourth Schedule hereto (Part II.), or to the like effect.

Register of grants to be kept.

324. A register of all such grants shall be kept by the town clerk, and within fourteen days after the date of any such grant an entry or memorial of the date thereof and of the parties thereto, and also of the consideration for such grant, and also a proper description of the ground described in such grant, so as the situation thereof may be ascertained, shall be made by the town clerk in such register, and he shall be entitled to demand such sum as the Corporation think fit, not exceeding two shillings and sixpence, for every such entry or memorial, and the said register may be perused at all reasonable times by any grantee or assignee of any right conveyed in any such grant upon payment of the sum of one shilling to the town clerk.

Rights of burial, &c. assignable.

325. Any exclusive right of burial shall, whether granted in perpetuity or for a limited time, be considered as personal estate of the grantee, and may be assigned by him or bequeathed by his will.

Form of assignment.

326. Every such assignment shall be by deed duly stamped, in which the consideration shall be duly set forth, and may be in the form in the Fourth Schedule hereto (Part II.), or to the like effect.

Assignments to be registered.

327. Every such assignment shall within six months after the execution thereof, if executed in Great Britain or Ireland, or within six months after the arrival thereof in Great Britain or Ireland if executed elsewhere, be produced to the town clerk, and an entry or memorial thereof shall be made in the register by the town clerk in the same manner as the grant, and until such entry or memorial no right of burial shall be acquired under any assignment, and for every such entry or memorial the town clerk shall be entitled to demand such sum as the Corporation think fit, not exceeding two shillings and sixpence.

Probates of wills to be registered.

328. An entry or memorial of the probate of every will by which the exclusive right of burial within the cemetery is bequeathed, and of any specific disposition thereof, shall within six months after the grant of probate be made in the said register in the same manner as the grant, and until such entry no right of exclusive burial shall be acquired under such will, and for every such entry or memorial the town clerk shall be entitled to demand such sum as the Corporation think fit, not exceeding two shillings and sixpence.

Letters of administration to be registered.

329. An entry or memorial of the letters of administration to every person entitled to an exclusive right of burial within the cemetery dying intestate shall, within six months after the grant of such letters, be made in the register in like manner as the grant, and until such entry no right of exclusive burial shall be acquired under such intestacy, and for every such entry or memorial the town clerk shall be entitled to not exceeding two shillings and sixpence.

Purchasers to have exclusive right of burial.

330. No body shall be buried in any place wherein the exclusive right of burial shall have been granted by the Corporation, except with the consent of the owner for the time being of such exclusive right.

No grant to give the right of burial in consecrated ground to certain persons.

331. No such grant shall give the right to bury within the consecrated part of the cemetery the body of any person not entitled to be buried in consecrated ground according to the rites and usages of the Established Church, or to place any monument, gravestone, tablet, or monumental inscription respecting any such body within the consecrated part of the cemetery.

Plan and book of reference to be kept,

332. The Corporation shall cause a plan of the cemetery to be made upon a scale sufficiently large to show the situation of every burial place in all parts of the cemetery so set apart, and in which

A.D. 1871.

and open to inspection.

an exclusive right of burial has been granted; and all such burial places shall be numbered, and such numbers shall be entered in a book to be kept for that purpose, and such book shall contain the names and descriptions of the several persons to whom the exclusive right of burial in any such place of burial has been granted; and no place of burial with exclusive right of burial therein shall be made in the cemetery without the same being marked out on such plan, and a corresponding entry made in the said book, and the said plan and book shall be kept by the registrar.

Power to remove monuments improperly erected.

333. The Corporation may take down and remove any gravestone, monument, tablet, or monumental inscription which shall have been placed within the cemetery without their authority.

Mode of registry of burials in consecrated part.

334. All burials in the consecrated part of the cemetery shall, in addition to any other registration by this Act required, be registered in the register books of the several parochial chapelries or ecclesiastical districts within which the deceased persons respectively died, by the incumbents of such chapelries or districts, according to the laws for the time being in force by which registers are required to be kept by the rectors, vicars, or curates of parishes or ecclesiastical districts in England, in the same manner as if such persons were buried within such parishes or ecclesiastical districts.

Repair of gravestones.

335. If any gravestone, monument, tablet, or monumental inscription be at any time ruinous or unsafe, the Corporation may give notice to the person appearing by the register entitled to the exclusive right of burial connected therewith, or if such person cannot be found, may give notice by advertisement in one of the London daily morning newspapers, and in some newspaper published in the county of Lancaster and usually circulated within the borough, requiring such person to do the necessary repairs; and if such person fail to do such repairs within three months after such notice, the Corporation may repair or take down or remove such gravestone, monument, tablet, or monumental inscription.

Byelaws, &c.

336. The Corporation may from time to time make, alter, and repeal such byelaws, rules, and regulations for the due management and protection of the cemetery, and for the preservation of decency and order therein, for the appointment and conduct of the officers thereof, and for fixing and regulating the fees to be taken by ministers for performing burial services in the unconsecrated part of the cemetery, provided that they shall not exceed those herein-before prescribed for clergymen for burials in the consecrated part of the cemetery, as they think fit: Provided that any such byelaws, rules, or regulations concerning the consecrated part shall not be of any

effect until they be approved by the Bishop of Manchester, under his hand and episcopal seal.

Penalty for committing nuisances in cemetery.

337. Every person who shall play at any game or sport or discharge fire-arms (save at a military funeral) in the cemetery, or who shall wilfully and unlawfully disturb any persons assembled in the cemetery for the purpose of burying any body therein, or who shall commit any nuisance within the cemetery, shall forfeit to the Corporation for every such offence a sum not exceeding five pounds.

Penalty for damaging cemetery.

338. Every person who shall wilfully destroy or injure any building, wall, or fence belonging to the cemetery, or destroy or injure any tree or plant therein, or who shall daub or disfigure any wall thereof, or put up any bill therein or on any wall thereof, or wilfully destroy, injure, or deface any monument, tablet, inscription, or gravestone within the cemetery, or do any other wilful damage therein, shall forfeit to the Corporation for every such offence a sum not exceeding five pounds.

Penalty for allowing water to be fouled.

339. If the Corporation at any time cause or suffer to be brought or to flow into any stream, canal, reservoir, aqueduct, pond, or watering place any offensive matter from the cemetery, whereby the water therein shall be fouled, they shall forfeit for every such offence the sum of fifty pounds.

Penalty to be sued for within six months.

340. The said penalty, with full costs of suit, may be recovered by any person having right to use the water fouled by such offensive matter, in any of the superior courts by action of debt or on the case: Provided always, that the said penalty shall not be recoverable unless the same be sued for during the continuance of the offence, or within six months after it has ceased.

An additional daily penalty.

341. In addition to the said penalty of fifty pounds (and whether it is recovered or not) any person having right to use the water fouled by such offensive matter may sue the Corporation in any court of competent jurisdiction for any damage specially sustained by him by reaso n ofthe water being so fouled, or if no special damage be alleged, for the sum of ten pounds for each day during which such offensive matter is brought or flows as aforesaid after the expiration of twenty-four hours from the time when notice of the offence is served on the Corporation by such person.

XIV.—POLICE REGULATIONS.

Power to police constables and persons aggrieved to

342. Any person found committing any offence punishable either upon indictment or upon summary conviction under this Act, or otherwise, may by virtue of this Act be taken into custody without a warrant by any constable, or may be apprehended by the

A.D. 1871.

apprehend certain offenders.

owner of any property on or with respect to which the offence is committed, or by his servant or any person authorised by him, and may be detained until he can be delivered into the custody of a constable, and shall be taken as soon as conveniently may be before a justice to be examined and dealt with according to law; and every constable may stop, search, and detain any person reasonably suspected of knowingly having or conveying anything stolen or unlawfully obtained.

Limitation of detention.

343. It shall not be lawful for any constable or other officer, without the order of a justice, to detain in custody any person arrested under the powers of this Act longer than is necessary for bringing him before a justice, or longer than forty-eight hours at the utmost.

Penalties on persons assaulting constables.

344. If any person assaults, obstructs, or resists, or aids or incites any person to assault, obstruct, or resist, any constable in the execution of his duty, he shall be liable to a penalty not exceeding ten pounds, or, in the discretion of the justice before whom he is convicted, to be imprisoned for any term not exceeding three months, with or without hard labour.

Penalty for riotous or indecent behaviour in police office, &c.

345. If any person is guilty of any violent, disorderly, or indecent behaviour in any police office or police station he shall be liable to a penalty not exceeding forty shillings, or, in the discretion of the justice before whom he is convicted, to be imprisoned for any term not exceeding seven days.

Penalty on persons committing any of offences enumerated.

346. Every person who in a street or court, or elsewhere than in a street or court, in the cases in that behalf in this section specified, commits any of the following offences, shall be liable to a penalty not exceeding forty shillings, or, in the discretion of the justice before whom he is convicted, to imprisonment for any term not exceeding fourteen days; (that is to say,)

Every person who, to the obstruction, annoyance, or danger of any resident or passenger in a street or court, exposes for show, hire, or sale (except in a market or market place or fair lawfully appointed for that purpose), any horse or other animal, or exhibits in a caravan or otherwise a show or public entertainment, or shoes, bleeds, or farries a horse or animal (except in cases of accident), or cleans, dresses, exercises, trains, or breaks or turns loose a horse or animal, or makes or repairs any part of a cart or carriage (except in cases of accident where repair on the spot is necessary):

Every person who suffers to be at large an unmuzzled ferocious

dog, or sets on or urges a dog or other animal to attack, worry, or put in fear any person or animal:

Every owner of a dog who suffers such dog to go at large, knowing or having reasonable ground for believing it to be in a rabid state, or to have been bitten by a dog or other animal in a rabid state:

Every person who, after public notice given by the mayor directing dogs to be confined on account of suspicion of canine madness, suffers any dog to be at large during the time specified in such notice (which dogs so at large the Corporation are hereby authorised to seize and detain, and at the end of three days, if the owner does not in the meantime claim the same and pay all expenses of detention, to sell or destroy):

Every person who slaughters cattle or dresses cattle, or any part thereof, except in the case of cattle overdriven or having met with an accident, which for the public safety or other reasonable cause ought to be killed on the spot:

Every person who, occupying a foundry or a blacksmith's, whitesmith's, or nailmaker's shop having a door or window or other opening fronting or opening into or towards a street, does not by good and close doors or shutters every evening, not later than half an hour after sunset, prevent the light from such shop or foundry shining into any street:

Every person who to the obstruction, annoyance, or danger of any resident or passenger in any street or court keeps any gaslight or other light flaring or unprotected extending to or over any street:

Every person who discharges smoke or steam from a building (otherwise than from the top thereof) into a street, or who constructs or uses a steam pipe, flue, or funnel (not being the funnel of a locomotive engine) so that the condensed water or moisture must usually fall into a street, or who discharges steam near a street in such manner as to put in fear any person or animal:

Every person having the care of a cart or carriage who rides on the shafts thereof, or who, without having sufficient reins and holding the same, rides upon such cart or carriage, or on an animal drawing the same, or who is at such a distance from such cart or carriage as not to have due control over every animal drawing the same, or who is asleep while such cart or carriage is in motion, or who does not in meeting another cart or carriage keep his cart or carriage to the left or near side of the road, or who in passing another cart or carriage from behind does not keep his cart or carriage on the right or off

A.D. 1871.

side of the road (except in cases of actual necessity or some sufficient reason for deviation), or who by obstructing the street wilfully prevents any person, cart, or carriage from passing him or any cart or carriage under his care:

Every person who at one time drives more than two carts, and every person who at one time drives two carts either whereof is drawn by more than one animal, and every person who at one time drives two carts and has not the last cart securely fastened to the back of the first cart by a chain or rope not more than five feet long from each shaft of the last cart:

Every person who rides or drives furiously an animal, cart, or carriage:

Every person who, being the owner or driver of a cart or carriage, does not cause the same to be well secured in all its parts:

Every person who causes a carriage, or a sledge, truck, or barrow, with or without horses, or a beast of burden, to stand in a street or on unenclosed ground in, near to, or on the side of a street longer than is necessary for loading or unloading goods or luggage, or for taking up or setting down passengers (except hackney carriages and horses, and other beasts of draught or burden, standing for hire in a place appointed for that purpose by the Corporation or other lawful authority), and every person who by means of a cart, carriage, sledge, truck, or barrow, or an animal or other means, wilfully interrupts a public crossing, or wilfully causes an obstruction in a street or public footpath or other public thoroughfare:

Every person who causes any tree, or timber, or iron beam, or stone, to be drawn in or upon a carriage without having or supplying sufficient means of safely guiding the same, and causing the same to be safely guided:

Every person who leads or rides an animal, or draws or drives a cart or carriage, sledge, truck, or barrow on a footway of a street, or any unenclosed ground near to or on the side of such footway, or fastens an animal so that it stands or can stand across or on such a footway or ground:

Every person who places or leaves any furniture, goods, produce, wares, or merchandise, or any cask, tub, basket, pail, or bucket, or places or uses any standing place, stool, bench, stall, or showboard on any such footway or ground, or so as to project thereover, or who places any blind, shade, covering, awning, or other projection over or along any such footway or ground, unless such blind, shade, covering, awning, or other projection is eight feet in height at least in every part thereof from the

ground, and is constructed in every respect to the satisfaction of the surveyor:

Every person who places, hangs up, or otherwise exposes to sale any furniture, goods, produce, wares, merchandise, matter, or thing whatsoever, so that the same projects or project into or over any such footway or ground, or beyond the line of any house, shop, or building at which the same is or are exposed, or who stands or places any person outside a shop, building, or ground at or on which the same is or are exposed, in order to offer the same for sale, or to invite purchasers for the same, or as in any such case to obstruct or incommode the passage of any person over or along such footway or ground:

Every person who sells and delivers any goods, wares, or merchandise, matter, or thing whatsoever directly from his shop or place of business to any person standing in or upon any footpath or street:

Every person who rolls, drags, or carries a cask, tub, hoop, wheel, ladder, plank, pole, timber, or log of wood, or any stone or metal, on any such footway or ground, except for the purpose of loading or unloading a cart or carriage, or of crossing such footway or ground:

Every person who, either within the borough or within two miles thereof, shall sit or lie on any footway, or by standing, loitering, and remaining together with other persons on any footway, without reasonable cause, or after being requested to move on, or by hawking or exposing for sale any shell or other fish, greengrocery, meat, and other article on or near any footway, or by any other means, shall obstruct or incommode the free passage of any such footway:

Every person who shall suffer any goods or merchandise, or coal or other fuel intended for any house to remain in a street for a longer period than shall be necessary for the housing or removing thereof:

Every person who, either within the borough or within two miles thereof, shall insult, jostle, or annoy any passenger:

Every person who places a line, cord, or pole across, over, or along a street, or hangs or places any clothes thereon:

Every person who fixes or sets up, or permits to be fixed or set up, any sign, sign post, sign iron, showboard, or thing which projects over any public road or footpath, without the consent of the Corporation:

Every person who shall use any threatening, abusive, or insulting words or behaviour with intent to provoke a breach of the

A.D. 1871.

peace, or whereby a breach of the peace may be occasioned, or who shall fight, or instigate, aid, or encourage any other person to fight:

Every person drunk in a street, or other open or public place, or incapable of taking proper care of himself, or guilty of riotous, disorderly, or indecent behaviour:

Every common prostitute or nightwalker loitering or importuning passengers for the purpose of prostitution:

Every person who wilfully and indecently exposes his person:

Every person who shall bathe in any public situation so as to expose his person:

Every person who, either within the borough or within two miles of any part thereof, shall on any carriageway or footway, or on the towing-path of any canal, or within one hundred yards of any carriageway or footway, or the towing-path of any canal, or of any house, fly any pigeon, or race, or expose himself in a state of nudity or semi-nudity, or instigate any dog to fight or race:

Every person who by himself or his agent publicly offers for sale or distribution, or exhibits to public view, any profane, indecent, or obscene book, handbill, card, paper, document, print, drawing, photograph, painting, or representation, or any book, handbill, card, paper, or document referring to any disease of a loathsome or secret kind, and every person who publicly sings any profane or obscene song or ballad, or uses any profane or obscene language:

Every person who writes or draws any profane, indecent, obscene, or offensive word, character, figure, or representation on any building, wall, fence, hoarding, or other erection anywhere in the borough:

Every person who by himself or his agent, without the consent of the owner or occupier of a building, wall, fence, hoarding, or other erection anywhere in the borough, affixes thereto any posting bill or other paper, or by any writing or drawing, or otherwise, marks or disfigures the same, or with or without such consent affixes thereto any bill, paper, document, print, drawing, photograph, painting, or representation of an indecent or obscene character, or referring to any disease of a loathsome or secret kind:

Every person who wantonly discharges a fire-arm, or throws or discharges any stone, snowball, or other missile, or makes a bonfire, or throws or sets fire to fireworks:

Every person who wilfully and wantonly disturbs any inhabitant by pulling or ringing any door-bell or other bell, or knocking at

any door or gate, or who wilfully and unlawfully extinguishes the light of any lamp :

Every person who flies any kite, or who makes or uses any slide upon ice or snow :

Every person who cleanses, hoops, fires, washes, or scalds any cask or tub, or hews, saws, bores, or cuts any timber or stone, or slakes, sifts, or screens any lime :

Every person who throws or lays down any stones, coals, slate, shells, lime, bricks, timber, iron, or other materials (except building materials so enclosed as to prevent mischief to passengers) :

Every person who beats or shakes a carpet, rug, or mat (except door-mats beaten or shaken before the hour of eight in the morning) :

Every person who fixes or places any flower-pot, or box, or other heavy article in an upper window without sufficiently guarding the same against being blown or thrown down :

Every person who throws from the roof, or any part of a house or other building, any slate, brick, wood, rubbish, or other thing (except snow thrown so as not to fall on any passenger) :

Every person who throws down goods, produce, wares, or merchandise out of an upper story of a warehouse, or of any other building used for any trade, manufacture, or business, and every person being the occupier of any warehouse or other such building out of which goods, produce, wares, or merchandise are or is so thrown down, but so that one penalty only be recoverable for the same offence :

Every person who fixes or sets up any crane, teagle, or hoist which projects over any public road or footpath :

Every occupier of any house or other building, or other person, who pushes up, or orders or permits any person in his service to push up, any window shutter or other thing from any cellar across any footpath so as to endanger or inconvenience any passenger :

Every occupier of a house or other building, or other person, who orders or permits any person in his service to stand on the sill of a window in order to clean, paint, or perform any other operation on the outside of such window, or on any house or other building, unless such window is in the sunk or basement story :

Every person who leaves open a vault or cellar, or the entrance from a street to a cellar or room underground, without a sufficient fence or handrail, or leaves defective the door, window,

A.D. 1871.

or other covering of a vault or cellar, or who does not sufficiently fence any area, pit, or sewer left open, or who leaves such open area, pit, or sewer without a sufficient light after sunset to warn and prevent persons from falling thereinto:

Every owner or occupier of any building containing any willowing or other machine for opening or cleaning cotton, cotton waste, or other fibrous substance, or any grinding or other machine for grinding or cleaning cards, or other instruments of manufacture, who suffers the dirt, dust, or refuse produced in the process of opening, cleaning, or grinding as aforesaid to fall into any street or court, or on any building in any street or court, or on any yard, garden, or enclosure belonging thereto:

Every person who throws or lays, or causes to be thrown or laid, any offensive matter or thing on a street, or causes any offensive matter or thing to run from a manufactory, brewery, slaughter-house, butcher's shop, or dunghill into a street (but so that it shall not be deemed an offence for any person to lay or cause to be laid sand or other materials in any street in time of frost to prevent accidents, or litter or other suitable materials to prevent the freezing of water in pipes, or, in case of sickness, to prevent noise, if the person laying or causing to be laid any such thing causes them to be removed as soon as the occasion for it ceases):

Every person who marks, imprints, or impresses, or causes to be marked, imprinted, or impressed, upon any footway, any advertisement or other announcement with gas tar or any matter which may endanger the safety or damage or adhere to the dress of persons using the footway:

Every person who throws or lays, or causes to be thrown or laid, the peel or skin of any fruit on any footway:

Every person who keeps a pigsty near a street or court, and every person who so keeps swine anywhere in the borough as to be a nuisance.

Offensive trades newly established.

347. The business of a blood-boiler, bone-boiler, fellmonger, slaughterer of cattle, horses, or animals of any description, soap-boiler, tallow-melter, tripe-boiler, or other noxious or offensive business, trade, or manufacture, shall not be newly established in any building or place in the borough without the consent of the Corporation; and if any person offends against this section he shall be liable to a penalty not exceeding fifty pounds, and a further penalty not exceeding forty shillings for each day during which the offence

is continued, and the Corporation may from time to time make such byelaws with respect to any such businesses so newly established as they think fit, in order to prevent or diminish the noxious or injurious effects thereof.

Mad dogs.

348. Any constable or other officer appointed by the Corporation may destroy any dog or other animal within the borough reasonably suspected to be in a rabid state, or to have been bitten by any dog or other animal reasonably suspected to have been in a rabid state.

Penalty for using dogs to draw carts.

349. Every person who at any time makes use of any dog to draw any cart or other vehicle, or to carry any burden within the borough, and every owner of a dog who knowingly permits it to be used for such purposes, shall respectively for every such offence be liable to a penalty not exceeding forty shillings.

Penalty for injury to churches, &c.

350. If any person injures or defaces any church, chapel, or other public building, or any tomb, monumental stone, or inscription in any churchyard or burial ground, or fixes up any bill or paper, other than such as may be lawfully affixed thereto, against any such building, or writes with chalk or any other matter thereon, he shall be liable to a penalty not exceeding five pounds.

Street musicians to depart when desired to do so.

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

Regulations to prevent obstructions in streets during processions, &c.

352. The mayor may from time to time make regulations for the route to be observed by all carts, carriages, horses, and persons, and for preventing obstruction of the streets in times of holidays, public processions, public meeting, public rejoicings, or illuminations, and in cases when the streets are thronged or liable to be obstructed, and give directions to the constables for keeping order, and for preventing any obstruction of the streets in the immediate neighbourhood of the town hall, the Corporation offices, the police court, the theatres, and other places of public resort; and if any person is guilty of any breach of such regulations, or does not comply with the direction of any constable acting in pursuance thereof, he shall be liable to a penalty not exceeding five pounds.

Power to regulate route of

353. On the application of any minister, churchwarden, trustee, or officer of any church, chapel, or other place of public worship, the

A.D. 1871.

carriages, &c. during divine service.

mayor may from time to time make orders for prescribing the route and conduct of persons driving any cart, carriage, or cattle during the hours of divine service on Sunday, Christmas Day, Good Friday, or any day appointed for public fast, humiliation, or thanksgiving, and any such order shall be printed or painted, and fixed on some conspicuous place near such church, chapel, or other place of public worship; and if any person fails to comply in any respect with any such order he shall be liable to a penalty not exceeding forty shillings.

Power to maintain pounds.

354. The Corporation may maintain their existing pounds, and from time to time erect and provide such other pounds for impounding cattle as they think proper, and maintain the same.

Power to impound cattle suffered to stray.

355. If any cattle are found straying in any street, the owner thereof shall for each animal be liable to a penalty not exceeding five shillings; and any officer or person appointed by the Corporation may impound such animal in any pound, and may detain the same there until the penalty and such charges as the Corporation appoint for impounding, feeding, and keeping the same in pound, together with amount of any damage caused by such animal, to be fixed by the Corporation, are paid; and if the same are not paid within three days after the animal is impounded, the Corporation may cause the animal to be sold, after having given three days notice thereof by advertisement in some newspaper circulating in the borough, or, by notice served on the owner if known, and the charges aforesaid and those of the sale and notice, and the said penalty and damages, shall be defrayed by such sale, and the surplus (if any) shall be paid to the owner of the animal upon demand.

Penalty for pound-breach.

356. If any person releases or attempts to release any cattle from any pound where the same are impounded under the authority of this Act, or damages or destroys any such pound, or any part thereof, with intent to procure the unlawful release of such cattle, he shall be liable to a penalty not exceeding forty shillings, or, in the discretion of the justice before whom he is convicted, to imprisonment, with or without hard labour, for any term not exceeding three months.

Corporation may make byelaws as to pounds.

357. The Corporation may make byelaws for fixing the charges for the impounding of cattle and the feeding and keeping them whilst impounded, and for regulating the use of the pounds and the conduct of the persons having care thereof, and for the prevention of cruelty to cattle impounded.

A.D. 1871.

Application of 23 & 24 Vict. c. 84. (against adulteration of food, &c.) to borough.

358. The Act of the session of the twenty-third and twenty-fourth years of Her Majesty (chapter eighty-four), for preventing the adulteration of articles of food and drink, shall apply to the borough as if it had a separate court of quarter sessions.

Power to seize and destroy diseased cattle.

359. If any animal comprised under the definition of cattle in this Act infected with or labouring under any infectious or contagious disease is exposed or offered for sale, or is brought or attempted to be brought through any street, any inspector, collector, or constable may seize such animal, and cause the same to be inspected by two veterinary surgeons, or other competent persons, and shall report such seizure to a justice, and such justice may, after hearing the evidence, either order such animal to be restored, or direct the same, and also any pens, hurdles, crofts, litter, hay, straw, or other articles which he may judge likely to have been infected thereby, to be forthwith destroyed or otherwise disposed of: Provided always, that nothing in this section shall authorise a justice to make any such order in relation to any trucks or waggons used for the conveyance of cattle on any railway, or to pens for animals on lands belonging to a railway company, but he may require such trucks, waggons, or pens as last aforesaid to be cleansed in such a manner as may be considered by him reasonably sufficient to prevent the spread of any such infectious or contagious disease.

Prohibition as to diseased cattle.

360. If any person exposes or offers for sale, or brings or attempts to bring through any street, any animal comprised under the definition of cattle in this Act infected with or labouring under any infectious or contagious disease, knowing the same to be infected with or labouring under any such disease, he shall be liable to a penalty not exceeding twenty pounds.

Dangerous places to be repaired or enclosed.

361. With respect to the repairing or enclosing of dangerous places, the following provisions shall take effect; namely,

(1.) If any building in the opinion of the Corporation is dangerous to the occupiers thereof, or to the persons employed therein, or if any building, wall, structure, well, coalpit shaft, used or disused, excavation, quarry, sandpit, reservoir, pond, or dam of water, or any land or place, is in the opinion of the Corporation, for want of sufficient repair, protection, or enclosure, dangerous to the occupiers of the neighbouring buildings or lands, or to the passengers along any street or footpath, the Corporation may order the owner within the period in the order prescribed to repair, protect, or enclose the same so as to prevent any danger therefrom:

A.D. 1871.

(2.) If after service of the order on the owner the directions of the order are not complied with within the prescribed period the owner shall be liable to a penalty not exceeding twenty pounds, and in that case, and also if the owner is not known, or cannot after due inquiry be found, the Corporation may cause such works as they think proper to be done for effecting such repair, protection, or enclosure, and the expenses thereof shall be payable by the owner:

(3.) If such owner can be found within the borough, and if on demand of the expenses aforesaid he neglects or refuses to pay the same, then such expenses may be levied by distress, and any justice may issue his warrant accordingly:

(4.) If such owner cannot be found within the borough, or sufficient distress of his goods and chattels within the borough cannot be made, the Corporation, after giving three months notice of their intention to do so by posting a notice during that time in a conspicuous place on or near such building, thing, or place, may take possession of the same, provided such expenses are not paid or tendered to them within the said three months, making full compensation to the owner of such building, thing, or place in respect of his interest therein, but deducting out of such compensation the amount of the expenses aforesaid, and may thereupon sell or otherwise dispose of such building, thing, or place for the interest of such owner therein:

(5.) If any such building, wall, structure, or other thing, or any part thereof, is pulled down by virtue of the present section, the Corporation may sell the materials thereof, or so much of the same as is pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such building or other thing, and the Corporation shall restore any overplus arising from such sale to the owner on demand:

(6.) Nevertheless the Corporation, although they sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as are herein-before given to them for compelling the payment of the whole of the said expenses.

Cleansing of footpaths.

362. The respective occupiers of houses and buildings, with the yards, gardens, pleasure grounds, and other appurtenances next adjoining the several streets, lanes, highways, passages, and other

public places in the borough, the churchwardens and chapelwardens of every church or chapel, the owner of any dead wall or other fence or vacant piece of ground (not used as arable, meadow, or pasture ground only), the trustees, treasurer, and minister of every meeting-house or place of public worship, and the person for the time being the ostensible director or manager of every hospital, school, theatre, or other public building, in the streets, lanes, highways, passages, and other public places in the borough, shall cause to be well and sufficiently swept or cleansed the several footways and foot pavements along the whole length of the fronts of the respective houses, buildings, churches and churchyards, chapel and chapelyards, dead walls, vacant pieces of ground, meeting-houses, hospitals, schools, theatres, and other public buildings, tenements, yards, gardens, pleasure-grounds, or other hereditaments (except as aforesaid), and to the full extent of the said footways and foot pavements before, behind, and on the side or sides of the same respectively, before the hour of nine of the clock in the morning of each day except Sunday, and if any such occupier or other person make default in any of the cases aforesaid he shall be liable to a penalty not exceeding ten shillings.

Corporation may compound for sweeping footways.

363. The Corporation may compound for such time as they think fit with any person liable to sweep or clean any footway for the sweeping and cleaning the same.

XV.—PUBLIC-HOUSES, &c.

Regulations respecting coffee shops, &c.

364. If any person not being a licensed victualler or person licensed to sell beer by retail to be drunk on the premises, or licensed to keep a refreshment house under the Act of the session of the twenty-third and twenty-fourth years of Her Majesty, chapter twenty-seven, has or keeps any house, shop, room, cellar, or vault, or place of public resort, wherein ready-made tea or coffee, cooked victuals, provisions, liquors, or refreshments of any kind is or are sold or consumed, whether the same is or are kept or retailed therein or procured elsewhere, and permits drunkenness or other disorderly conduct in such house, shop, room, or place, or suffers any unlawful game or any gaming therein, or permits prostitutes, reputed thieves, drunken or idle and disorderly persons, or persons of notoriously bad character, to meet together and remain there, he shall be liable to a penalty not exceeding five pounds; and any constable may at any time enter into any such house, shop, room, cellar, vault, or place, the owner or keeper whereof has been within twelve months before such entry convicted of any such offence as aforesaid; and if any

A.D. 1871.

such owner or keeper, or any person in his employment, in such case refuses to allow, or does not on application allow, such constable so to enter, every person so offending shall be liable to a penalty not exceeding forty shillings.

Penalty on keepers of cookshops, &c. making internal communications with an adjoining public-house.

365. If any person makes or uses, or allows to be made or used, any internal communication between any house, shop, room, or place of public resort licensed for the sale of wine, spirits, beer, or other exciseable articles, and any house, shop, room, or place not so licensed, he shall be liable to a penalty not exceeding ten pounds for every day that such communication is open.

Regulation of places for dancing, music, and other public entertainments.

366. For the regulation of places for public dancing or music, or other public entertainment of the like kind, the following provisions shall take effect; (namely,)

(1.) Any house, room, or other place licensed for the sale of wine, spirits, beer, or other fermented or distilled liquors, or any room, garden, or place, shall not be kept or used for public dancing, music, or other public entertainment of the like kind, without a license for all or some of those purposes first obtained from two or more justices:

(2.) Such justices may, under the hands of a majority of them assembled at any special session convened by fourteen days previous notice, grant licenses to such persons as they think fit to keep or use houses, rooms, gardens, or places for all or some of the purposes aforesaid, upon such terms and conditions, and subject to such restrictions as they by the respective licenses determine, and every license shall be in force for one year:

(3.) Such justices may from time to time, at any such special session aforesaid, transfer any such license to such person as they think fit:

(4.) Each person shall in each case give seven days notice to the clerk of the justices of his intention to apply for any such license, or for the transfer of any such license:

(5.) Any house, room, garden, or place kept and used for public dancing, music, or other public entertainment of the like kind without such license first obtained shall be deemed a disorderly house, and the person occupying or rated as the occupier of the same shall be liable to a penalty not exceeding five pounds for every day on which the same is kept and used for any of the purposes last aforesaid:

(6.) There shall be affixed and kept up in some conspicuous place on the door or entrance of every house, room, garden, or

place so kept or used and so licensed as aforesaid, an inscription in large capital letters in the words following, "Licensed in pursuance of Act of Parliament:"

(7.) Any house, room, garden, or place so kept or used, although so licensed as aforesaid, shall not be opened for any of the said purposes except between the hours stated in the license:

(8.) The affixing and keeping up of such inscription as aforesaid, and the limitation of the hours of opening, shall be inserted in, and made conditions of, every such license, and in case of any breach of either of those conditions such license shall be liable to be revoked by the order of any two justices.

Penalties on brothel keepers, &c.

367. If any person keeps or acts or assists in the management of a brothel or other disorderly house, room, or other place, he shall be liable to a penalty not exceeding ten pounds, or, in the discretion of the justice before whom he is convicted, to be imprisoned, with or without hard labour, for any term not exceeding one month.

Power to enter upon unlicensed theatres, &c.

368. Any justice may by order in writing authorise any constable to enter into any building, or part of a building, or any place kept or used, or suspected to be kept or used, for stage plays or dramatic entertainments into which admission is obtained by payment of money, and which is not a licensed theatre, at any time when the same is open for the reception of persons resorting thereto, and to take into custody any person found therein without lawful excuse; and every person keeping, using, or knowingly letting any building, or part of a building, or any place, for the purposes aforesaid, or any of them, shall be liable to a penalty not exceeding twenty pounds; and every person performing or being therein without lawful excuse shall be liable to a penalty not exceeding forty shillings; and the burden of proving that any such place is a licensed theatre shall be upon the person keeping the same.

XVI.—MARINE STORE DEALERS, &c.

Power to license brokers, &c.

369. 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 broker, or of a dealer in second-hand goods, or in marine stores, or in old metals, 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.

A.D. 1871.

the placing of a check string to any such carriage, and the holding of the same by the driver, and how such carriages are to be furnished or provided:

For punishing misconduct of drivers of hackney carriages and porters carts in refusing or neglecting to drive as required, and for preventing the carrying in or upon hackney carriages of dead bodies, or of persons having any infectious, contagious, or loathsome disease, and for preventing persons being carried in or upon hackney carriages without the consent of the hirers:

For fixing the stands of hackney carriages and porters carts, and the distance to which they may be compelled to take passengers and goods, not exceeding four miles from the Market Hall of the Corporation:

For fixing the fares for time and for distance to be paid for hackney carriages and for porters carts, and for securing the due publication thereof, and for regulating deposits of money in addition to fares for carriages or carts kept waiting by the hirers:

For securing the safe custody and re-delivery of property accidentally left in any hackney carriage or porter's cart, and fixing the charges to be paid in respect thereof.

Penalty for fraudulent use of numbers, &c.

378. If any person fraudulently or with intent to deceive does either of the following things; (namely,)

(1.) Affixes or places on any carriage or cart any figure or number to resemble any figure or number appointed by the Corporation to be affixed to any licensed hackney carriage or licensed porter's cart;

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

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

Agreement for less than fare binding on driver.

379. If the proprietor or driver of a licensed hackney carriage or licensed porter's cart, or any person on his behalf, agrees beforehand with any hirer thereof to take for any job a sum less than the fare allowed by byelaw, but exacts or demands for such job more than the sum agreed on, he shall be liable to a penalty not exceeding forty shillings.

Agreement for more than fare not binding on hirer.

380. An agreement made with the driver of, or any person having or pretending to have the care of, any hackney carriage or porter's cart for the payment of more than the fare allowed by byelaw shall not be binding on the person making the same, who may, notwithstanding such agreement, refuse on discharging such carriage

or cart to pay any sum beyond the fare allowed by byelaw; and if any person actually pays to any such driver, in pursuance of any such agreement or otherwise, any sum exceeding the fare to which the driver is entitled, he may, on complaint made against the driver before a justice, recover back such sum, and, moreover, the driver shall be liable to a penalty not exceeding forty shillings, and in default of repayment by such driver of such excess of fare, or the payment of such penalty, the justice may commit him to prison for any time not exceeding one month, unless the excess of fare and the penalty are sooner paid.

Agreement for discretionary distance.

381. If the proprietor or driver of any hackney carriage, or any person on his behalf, agrees with any person to carry by such carriage persons not exceeding in number the number allowed to be carried by it for a distance to be in the discretion of such proprietor or driver, and for a sum agreed on, but the distance for which he carries such persons is less than that for which they are entitled to be carried for the sum agreed on according to the fares allowed by byelaw, he shall be liable to a penalty not exceeding forty shillings.

Penalty for demand of excessive fares.

382. If any proprietor or driver of a hackney carriage or porter's cart is convicted of taking as a fare a greater sum than that allowed by byelaw, he shall be liable to a penalty not exceeding forty shillings, which penalty may be recovered before one justice; and in the conviction of such proprietor or driver an order may be included for payment of the sum so overcharged, in addition to the penalty and costs, and such overcharge shall be returned to the party aggrieved.

Drivers not to act without consent of proprietors, &c.

383. It shall not be lawful for any person authorised by the proprietor of any hackney carriage or porter's cart to act as driver thereof to suffer any other person to act as driver thereof without the consent of the proprietor thereof, or for any person, whether licensed or not, to act as driver of any such carriage or cart without the consent of the proprietor thereof; and if any person offends in any respect against the present enactment he shall be liable to a penalty not exceeding forty shillings.

Penalty for permitting persons to ride without consent of hirer.

384. Any proprietor or driver of any such hackney carriage which is hired who permits or suffers any person to be carried in or upon or about such hackney carriage during such hire, without the express consent of the person hiring the same, shall be liable to a penalty not exceeding twenty shillings.

Penalty on driver for misconduct, &c.

385. If the driver of, or any person having or pretending to have the care of, any hackney carriage or porter's cart is intoxicated while driving, or by wanton and furious driving, or by any other

A.D. 1871.

wilful misconduct, injures or endangers any person in his life, limbs, or property, he shall be liable to a penalty not exceeding five pounds.

Penalty on driver for obstructing streets, &c.

386. If any driver of a hackney carriage or porter's cart suffers the same to stand for hire across any street, or alongside of any other such carriage or cart, or refuses to give way if he conveniently can to any such other carriage or cart, or obstructs or hinders the driver of any carriage from taking up or setting down any person into or from any carriage, or wrongfully or in a forcible manner prevents or endeavours to prevent the driver of any other hackney carriage or porter's cart from being hired, he shall be liable to a penalty not exceeding twenty shillings.

Proceedings where carriage, &c. left in street.

387. If the driver of any hackney carriage or porter's cart leaves it in any street, or at any place of public resort or entertainment, whether it is hired or not, without some one proper to take care of it, any constable may drive it away and deposit it and the animal harnessed thereto at some neighbouring livery stable or other place of safe custody, and such driver shall for every such offence be liable to a penalty not exceeding twenty shillings, and in default of payment thereof, and of the expenses of the taking and keeping of the carriage or cart and animal, the same, with the harness belonging thereto, or any of them, shall be sold by order of a justice, and after payment out of the produce of such sale of the amount of the penalty, and of all costs and expenses, as well of the proceedings before the justice as of the taking, keeping, and sale aforesaid, the surplus, if any, of such produce shall be paid to the proprietor of the carriage or cart.

Liability of proprietor to compensation for damage done by driver.

388. Where any hurt or damage is caused to any person or property by the driver of any hackney carriage or porter's cart let to hire, the justice before whom the driver is convicted may order that the proprietor of the carriage or cart do pay such sum, not exceeding five pounds, as appears to the justice reasonable compensation for such hurt or damage, and every proprietor who pays any such compensation may recover the same from the driver.

Endorsement of conviction of driver on license.

389. Where any licensed driver complained of is adjudged guilty of the offence alleged against him, the justice before whom he is convicted shall make an endorsement on his license stating the offence and the amount of the penalty inflicted.

Licenses may be suspended or revoked.

390. 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 such justice, expedient that such license should be suspended or revoked.

Compensation, &c. to driver acquitted.

391. If the driver of a hackney carriage or porter's cart is summoned or brought before any justice to answer any complaint or information concerning any offence alleged to have been committed by him against this Act, or any byelaw under it, and the complaint or information is withdrawn or quashed or dismissed, or the driver is acquitted of the offence charged against him, the justice may order the complainant or informant to pay to the driver such compensation for his loss of time in attending the justice concerning the complaint or information as to the justice seems reasonable, and in default of payment of such compensation the justice may commit the complainant or informant to prison for any time not exceeding one month, unless the same is sooner paid.

Power to reward drivers.

392. The Corporation may reward a licensed driver for meritorious conduct.

Recovery of fare.

393. If any person refuses to pay on demand to any proprietor or driver of any hackney carriage or porter's cart the fare to which he is entitled, the same may be recovered with costs before a justice as a penalty.

Penalty for injury to carriage or cart.

394. If any person using any hackney carriage or porter's cart wilfully injures the same he shall be liable to a penalty not exceeding five pounds, and shall also pay to the proprietor of the carriage or cart reasonable satisfaction for the damage sustained, and such satisfaction shall be ascertained by the justice before whom the conviction is had, and may be recovered by the same means as the penalty.

Power to make byelaws as to omnibuses, carts, &c.

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

For regulating omnibuses and stage carriages plying within the borough, and the conduct of the drivers and conductors thereof, and for preventing the overcrowding thereof, and of nuisances therein, and touching the number and fitness of the animals to be employed to draw the same:

For requiring owners of carts used in the streets to place their names, descriptions, and addresses conspicuously on their carts:

For prohibiting any person from acting as driver of any cart on which the owner's name, description, and address are not so placed.

Power to make byelaws as to porters and drovers.

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

For licensing porters (that is to say, persons following the business of carrying errands, messages, parcels, or luggage for

A.D. 1871.

hire) and drovers (that is to say, persons offering themselves to lead or drive cattle for hire), and for charging any fee not exceeding five shillings for any such license for twelve months, and in the like proportion for any shorter period, and for regulating the conduct of porters and drovers in their employments, and determining whether porters and drovers shall wear any and what badges, and for regulating the hours within which they may exercise their calling:

For fixing the stands of porters and drovers, and the distance to which they may be compelled to go in the exercise of their calling, not exceeding in the case of porters three miles, and in the case of drovers twenty miles beyond the boundary of the borough:

For fixing the fares, as well for time as for distance, to be paid to porters and drovers, and for securing the due publication of such fares:

For securing the safe custody and re-delivery of any property accidentally left with porters or drovers, and fixing the charges to be paid in respect thereof:

And in any such byelaws the Corporation may (if they think fit) adopt and apply to porters and drovers, mutatis mutandis, any of the provisions of this Act relative to drivers of hackney carriages and porters carts, so far as the same are applicable.

XVIII.—FIRE.

Power to provide fire police stations, &c.

397. The Corporation may continue and maintain their fire police stations and engine houses, and other offices and buildings connected with the fire police establishment, and may from time to time enlarge the same, and purchase by agreement, or take at a rent, any buildings or lands for fire police stations, engine houses, and firemen's dwellings, and other buildings and lands necessary for fire police purposes, with all proper conveniences, and appropriate for those purposes and alter and enlarge any buildings or lands for the time being vested in them, and repair and furnish and fit up any such buildings.

Power to provide fire engines, firemen, &c.

398. The Corporation may continue and maintain and from time to time provide such fire engines, water buckets, pipes, water carts, fire escapes, and other implements for use in case of fire, and such horses for drawing such engines and water carts, and employ such persons as superintendents and firemen on such terms, and allow them such wages and such rewards for exertion in case of fire, and make such byelaws for the government of the fire police establishment of the borough, as they think fit.

Discharged firemen or servants may be turned out of possession of houses.

399. Where any fireman or other person discharged from the fire police establishment continues to occupy any building provided for the purposes of that establishment after one week's notice in writing from the Corporation to quit and deliver up the possession thereof, any justice may, on proof of such notice, by warrant authorise any constable to enter upon such building, and remove such fireman or other person and his family and his and their goods and chattels therefrom, and deliver the possession thereof to the Corporation, and any constable may proceed according to the warrant.

Power to enter and break open premises in case of fire.

400. Any constable of the borough, or of the fire police of the borough, or any officer or other person appointed by the Corporation, may enter, and, if necessary, break into any building in the borough being or reasonably supposed to be on fire, or any building or lands adjoining or near thereto, without the consent of any owner or occupier thereof respectively, and may do all such acts and things as he may deem necessary for extinguishing fire in any such building, or for protecting the same or rescuing any person or property therein from fire.

Corporation to provide fireplugs.

401. For securing a proper supply of water for extinguishing fire, the following provisions shall take effect; (namely,)

(1.) Within the borough the Corporation shall fix and maintain proper fireplugs in their main and other pipes at such places as they think requisite, having regard to the number of buildings near such pipes, and other circumstances:

(2.) The Corporation shall, at the request and expense of the owner or occupier of any work, warehouse, or manufactory in any street or court within or beyond the borough in which there is a pipe of the Corporation, place in each street or court and maintain a fireplug (to be used only for extinguishing fires) as near as conveniently may be to the exterior of such work, warehouse, or manufactory:

(3.) As soon as any such fireplug is completed the Corporation shall deposit a key thereof at each place where any public fire engine is kept under this Act, and in such other places as they think fit, and shall put up a public notice in some conspicuous place in each street or court in which such fireplug is placed showing its situation, which notice they may put up on any building in such street:

(4.) The Corporation shall at all times keep charged with water all their pipes to which fireplugs are fixed, and shall allow all persons at all times to take thereout and use water for extinguishing fire, without payment:

A.D. 1871.

(5.) If the Corporation fail to fix or maintain such fireplugs or (unless prevented by frost, unusual drought, or other unavoidable accident or reasonable cause) to keep their pipes charged as aforesaid, they shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding forty shillings for every day during which such failure continues after notice in writing given to them thereof.

Penalties as to chimneys on fire.

402. If any person wilfully sets on fire any chimney he shall be liable to a penalty not exceeding five pounds; and if any chimney takes fire accidentally the occupier of the building, or the part thereof to which such chimney belongs, shall be liable to a penalty not exceeding ten shillings, unless he proves to the satisfaction of the justice before whom the case is heard that the fire was in nowise owing to omission, neglect, or carelessness of himself or his servant.

Restriction on making fireworks, &c.

403. If any person makes within the borough lucifer matches, or any combustible article in the manufacture of which gunpowder or detonating powder is used, in any place other than in a detached building, or in any case nearer than one hundred yards to any street or dwelling-house, he shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding ten pounds for every day during which the offence continues after the time when the first penalty of ten pounds is incurred.

Execution of licensing powers as to gunpowder, petroleum, &c.

404. For the better execution of the provisions of the following Acts; (namely,)

The Gunpowder Act, 1860, and any Act for the time being in force amending the same;

The Act of the session of the twenty-fifth and twenty-sixth years of Her Majesty (chapter sixty-six), "For the safe keeping of Petroleum," and any Act for the time being in force amending the same;

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

(1.) Any license granted under those Acts, or any of them, may be suspended or revoked when and as the council think fit:

(2.) Every such license shall be under the hand of the town clerk:

(3.) For every such license the council may charge a fee not exceeding one guinea:

(4.) The powers conferred on the council by those Acts, or any of them, or by this Act, in relation thereto, may be executed by a committee of the council appointed according to the provisions of the Municipal Corporation Acts as modified by this Act.

XIX.—EXECUTION OF WORKS GENERALLY.

Power to execute works, &c. in default of person liable.

405. Whenever by this Act, or any byelaw thereunder, or any notice or order of the Corporation, any work, act, or thing is required to be done by any owner, occupier, or other person, and default is made therein, or if any such work, act, or thing is improperly or insufficiently done, the Corporation may cause such work, act, or thing to be executed, re-executed, or done (as the case may require), and also whenever any work, act, or thing is by this Act, or by any such byelaw, notice, or order as aforesaid, prohibited being done, and it nevertheless is done, the Corporation may remove, abate, or alter the work, act, or thing so done, and the expenses incurred by the Corporation in any such case, or incidental thereto, shall be repaid to them by the person making default in the execution or doing of, or improperly or insufficiently or unlawfully executing or doing, such work, act, or thing, as the case may be, notwithstanding any penalty may be imposed upon such person by this Act or any such byelaw.

Provisions as to demolition of improper buildings.

406. In any case where the Corporation are by this Act or by any byelaws thereunder or otherwise authorised to demolish or alter any house, building, or other erection, it shall be lawful for the Corporation to cause to be made complaint before a justice of the peace of the matter in default or in respect of which such demolition or alteration is authorised, who shall thereupon issue a summons requiring the owner or occupier of the premises, or the builder, or other person in default or engaged in the works, to appear at a time and place to be stated in the summons to answer such complaint, and if at the time and place appointed in such summons the said complaint shall be proved to the satisfaction of the justice before whom the same shall be heard, such justice shall make an order in writing on such owner or occupier, builder, or person directing the demolition or alteration, as the case may be, of any such house, building, or erection, or so much thereof respectively as the case may require, within such time as such justice shall consider reasonable, and may also, if he shall think fit, make an order for the payment of the costs incurred by the Corporation up to and inclusive of the time of hearing; and in default of the house, building, or other erection being demolished or altered in the manner and within the time limited by and according to the exigency of the said order, the Corporation may forthwith enter the premises to which the order relates and demolish or alter the house, building, or erection complained of, and do whatever may be necessary to execute the said order, and may also remove the materials

A.D. 1871.

to a convenient place and subsequently sell the same as they think fit, and the amount of expenses incurred by the Corporation in carrying into effect the said order and in disposal of the said materials shall be determined and settled by the surveyor, and may be recovered by the Corporation from the owner or occupier of the said premises, or the builder, or person engaged in the work, either by action at law or in a summary manner before a justice of the peace, at the option of the said Corporation, in the manner herein by this Act provided as to the recovery of penalties. If there shall be any surplus from the sale of such materials after paying such expenses, it shall be paid to the person to whom such materials previously belonged.

Power to enter and inspect.

407. The Corporation by their officers and servants may at all reasonable times in the daytime, and after twenty-four hours notice to the occupier of the premises, or, if there is no occupier, to the owner, from time to time enter upon any building or lands for the purpose of inspecting any works or buildings in progress of construction or alteration, or of making such examinations as may be necessary to ascertain whether the provisions of this Act, or of any byelaw thereunder, have been complied with, or of carrying into execution any of the powers contained in this Act or in any such byelaw, without being deemed trespassers, or liable to any action, indictment, or other proceeding on account thereof.

Penalty on occupiers opposing execution of Act.

408. In case the occupier of any building or lands prevents the owner thereof from carrying into effect in respect thereof any of the provisions of this Act, or of any byelaw thereunder, then, after notice of this provision given by the owner to the occupier, any justice upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute all such works with respect to such building or lands as may be necessary for carrying into effect the provisions of this Act or of any such byelaw; and if after the expiration of ten days from the service of such order the occupier continues to refuse to permit the owner to execute any such work, he shall for every day during which he so continues to refuse be liable to a penalty not exceeding five pounds, and during the continuance of such refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Occupier in default of owner may execute works and

409. Whenever default is made by the owner of any building or lands in the execution of any work by or by virtue of this Act or any byelaw thereunder required to be executed by him, the occupier of such building or lands may, with the approval of the

Corporation, cause such work to be executed, and the expense thereof shall be repaid to the occupier by the owner, and the occupier may deduct the amount of such expense out of the rent from time to time becoming due from him to the owner.

deduct expenses from his rent.

410. The Corporation may from time to time provide and may keep such materials as they think requisite for enabling them to execute any works which they are by this Act authorised or required to execute.

Power to keep materials.

XX.—RECOVERY OF NEW STREET AND OTHER EXPENSES.

411. All new street expenses and all other expenses by this Act or any byelaw thereunder made payable by or recoverable from the owner of any building or lands, or from the occupier of any building or lands, or from any other person, shall, if not paid on demand, be recoverable by the Corporation, with interest thereon from the expiration of three months after such demand at a rate to be determined by the Corporation, not exceeding five pounds per centum per annum, as a debt from such owner or from such occupier, or from such other person (as the case may be), in any court of competent jurisdiction.

Recovery of new street and other expenses from owners and others.

412. All new street expenses and other expenses by this Act or any byelaw thereunder made payable by or recoverable from the owner of any building or lands, with such interest thereon as by this Act or any such byelaw is provided for, shall be a charge on such building or lands, in priority to any incumbrance or charge on or affecting the same.

Expenses to be a charge on lands.

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

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

(1.) The Corporation may enter into receipt of and demand and receive from tenants and occupiers and persons liable, the rents and profits of such building or lands, and in case of

A.D. 1871.

non-payment may use all or any such lawful remedies, by way of distress or otherwise, for recovering and obtaining payment of the same, or any part thereof, as may be used by landlords in ordinary cases, and may do all things necessary or expedient for recovering and receiving the rents and profits as if they were the owners of the building or lands; and the tenants, occupiers, and persons liable shall pay the rents and profits to the Corporation, and the receipt of the treasurer or of any officer of the Corporation appointed in that behalf shall be, and shall alone be, an effectual discharge for the same:

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

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

Application of rents and profits received.

414. All rents and profits received in respect of any such building or lands as aforesaid shall be applied in the manner and in the order following; (namely,)

(1.) There shall be paid thereout all chief rents, taxes, rates, assessments, expenses of repairs, tithes, and other outgoings properly payable by the owner in respect of the building or lands, and all expenses incurred by the Corporation in relation thereto by reason or in consequence of the failure of the owner thereof to pay any new street expenses or other expenses as aforesaid:

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

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

Rights of Corporation to rents to exclude that of owner, &c.

415. Whenever the Corporation so enter into receipt of the rents and profits, or into possession of any such building or lands, then for and in respect of the period during which their claim against the owner for new street or other expenses is unsatisfied, as well after the termination of that period as during its continuance, the owner of the building or lands shall not have any right to receive any rents or profits of the building or lands, or have any interest therein, except under the provisions of this Act directing the application of rents and profits received by the Corporation; and for and in respect of the period aforesaid, as well after its termination as during its continuance, every or any such right shall, as against any lessee of the building or lands or other person taking through or under the Corporation, be by virtue of this Act absolutely extinguished.

Saving of special contracts as to expenses of works.

416. Nothing in this Act shall alter the liabilities respecting the payment of any expenses made payable or recoverable by this Act, or any byelaw thereunder, of any owner and occupier as between themselves under any special contract relative thereto made before or after the commencement of this Act.

Power to allow time for repayment of new street expenses, &c.

417. When any new street or other expenses are to be repaid by the owners or occupiers of buildings or lands, the Corporation may by resolution allow to the owners or occupiers, or any of them, time for the repayment thereof, or of any part thereof, and may order the same, or any part thereof, to be repaid either in one sum or by such instalments as the Corporation think fit, with interest for the principal money from time to time remaining unpaid after such rate as the Corporation determine; but all sums so remaining due, notwithstanding that the Corporation agree so to allow time, shall from time to time, at the expiration of the several times allowed, be recoverable from the respective owners and occupiers for the time being, both present and future, as the same would have been recoverable from the original owner or occupier if no such time had been allowed; and with respect to any such instalment, the time limited by this Act or otherwise for the recovery of expenses shall be deemed to run only from the time when such instalment becomes due.

Persons having partial interests may raise expenses by mortgage.

418. All owners of buildings or lands being tenants for life only, and all committees of lunatics and all trustees seised, possessed of, or entitled to any estate or interest, either at law or in equity, in any buildings or lands for or on behalf of any person or charity, may charge such buildings or lands with such sum as may be necessary to defray the whole or any part of any new street or

A.D. 1871.

other expenses which the owners of such buildings or lands for the time being are liable to pay, and the expenses of making such charge, and for securing the repayment of such sum with interest may mortgage such buildings or lands to any person advancing such sum, but so that the principal money due in addition to the interest due on any such mortgage shall be repaid by equal annual instalments within twenty years from the date of such mortgage.

Same rules to apply as to works previous to Act.

419. With respect to any new street or work begun or executed by the Corporation before the commencement of this Act, the provisions of this Act relative to new street and other expenses shall apply in every such case as if such new street or work was begun after the commencement of this Act; and all notices given and proceedings taken before the commencement of this Act, with a view to the beginning or execution of any such street or work, or to the recovery of the expenses thereof, shall be as effectual to all intents as if the same had been given or taken in accordance with the provisions of this Act; and all such notices and proceedings may, after the commencement of this Act, be acted on and continued as if they had been given and taken under this Act.

XXI.—LANDS.

General powers to take lands.

420. The regulations contained in the seventy-fifth section of the Local Government Act, 1858, and any Act amending the same, shall be observed with respect to the purchase of lands by the Corporation for the purposes of this Act, and shall apply and have effect as if they were a local board acting under that Act for the borough as their district, and as if the purposes of this Act were purposes of that Act, and the costs, charges, and expenses in that section provided for shall become a charge on the borough fund created by this Act.

Power to take lands by agreement.

421. The Corporation may from time to time take, by agreement, lands for all or any of the purposes of this Act.

Power to agree for easements, &c.

422. The Corporation may take by agreement, and any person by the Lands Clauses Consolidation Act, 1845, or otherwise, enabled to sell lands may grant to them, any term, estate, easement, interest, right, or privilege (other than the right or privilege of water) in, over, affecting, or belonging to lands, at a yearly rent or otherwise; but in the case of a person not enabled otherwise than by that Act to sell lands, then subject and according to the provisions relative to the taking of lands by agreement contained in that Act and the Lands Clauses Consolidation Acts Amendment Act, 1860, for which purpose any such term, estate, easement, interest, right, or privilege shall be deemed lands within the meaning of those Acts.

Power to grant building leases.

423. In case any lands acquired by the Corporation by agreement before or after the commencement of this Act, for the purpose of a park or new street for the time being authorised to be made by the Corporation, are not laid into and made part of the park or street, or where any lands are taken by the Corporation by agreement for providing space for the erection of buildings adjoining to or near any street or improvement, the Corporation, when and as they think fit, may convey or demise for any term of years such lands or any parts thereof to any persons agreeing to erect thereon, or any parts thereof, erections and buildings of such rate or class of buildings, and upon such plan and elevation, and of such height, and with such storeys, and with such yards or gardens, as the Corporation think proper, and the Corporation may (if they think fit) take any fine for any such conveyance or lease, and may (if they think fit) reserve any rent in any such conveyance or lease; and every such conveyance or lease shall contain a covenant for the payment of any rent thereby reserved, and such other covenants on the part of the grantee or lessee as the Corporation think reasonable, and may contain a clause in the nature of a condition of re-entry on non-payment of any rent thereby reserved, or non-performance of the covenants on the part of the grantee or lessee therein contained.

Power to make agreements as to building leases, &c.

424. The Corporation may, if they think fit, from time to time enter into any agreement for such a conveyance or lease on such terms and conditions as they think fit, and, on making a conveyance or lease in pursuance thereof, may alter the amount of the rent agreed to be reserved, and may apportion the same, and make separate leases of any parts of the lands comprised in the agreement as they think fit, and may alter or rescind any such agreement, and the Corporation may accept any re-conveyance or the surrender of any lease for the purpose of making separate conveyances or leases of the same lands in parcels at apportioned rents, or another conveyance or lease of the same lands under different covenants, or otherwise, in all respects as they think fit.

Sale of lands subject to building leases, &c.

425. The Corporation, as and when they think fit, and either before or after any such conveyance or lease, may sell and dispose of any rent reserved or agreed to be reserved for any such lands, and the reversion and inheritance in fee simple in possession (subject to any such lease or agreement of or concerning the lands) of such erections and buildings, except such as have been otherwise disposed of under this Act, either altogether or in parcels, by public auction or by private contract, for such price as the Corporation think reasonable, and subject to such stipulations and provisions for the enjoyment thereof, and as to the nature of the erections and

A.D. 1871.

buildings which are to be at all times erected thereon, and to such stipulations as to the title to be produced to the hereditaments sold, as the Corporation think fit; and the Corporation shall, at the request and expense of each purchaser, on payment of his purchase money, by deed convey and assure the lands purchased by him, with the erections and buildings thereon and the appurtenances, to the purchaser, his heirs and assigns, or as he directs, free from incumbrances, except the building, conveyance, lease, or agreement of or concerning the same made under this Act.

Power to sell without previous grant of building leases.

426. The Corporation, if they think it expedient, may from time to time sell and dispose of in manner herein-before directed any such lands as aforesaid without having previously made or agreed to make any conveyance or lease thereof, and convey and assure the same to the purchaser thereof for such price, and upon, under, and subject to such covenants and agreements on the part of the purchaser with respect to the rate or class of the erections and buildings to be erected thereon, and the height, size, and elevations thereof, and the time and manner of erecting the same, and with respect to any other matters, restrictions, and things relating thereto, as the Corporation think fit.

Sales to be made within fifty years.

427. The Corporation shall, before or at any time within fifty years after the completion of the park or street for the purposes whereof any lands are acquired by agreement, sell or dispose of and convey such parts of those lands as are not wanted for the purposes of the same park or street, or of any other park or street for the time being authorised to be made by the Corporation; but nothing in the present section shall compel the Corporation to sell or dispose of rents reserved in any such conveyances or leases as aforesaid.

Power to sell, &c. lands not wanted.

428. Subject to the other provisions of this Act, the Corporation may from time to time sell, lease, exchange, or otherwise dispose of any building or lands, or any parts thereof, acquired by agreement, and vested in them at the commencement of this Act, or acquired by them by agreement under this Act, and not wanted for the purposes thereof, and make, execute, and do any deed, act, or thing proper for effectuating any such sale, lease, exchange, or other disposition.

Application of purchase money of land.

429. Any purchase money received on any sale of land, and any money received for equality of exchange by the Corporation under this Act, shall be distinguished as capital in the accounts of the Corporation, and shall be applied exclusively for purposes for which money borrowed under this Act is applicable, or in discharge of money so borrowed.

Lands not wanted to be sold, or in default to vest in owners of adjoining lands.

430. With respect to lands acquired by the Corporation under the provisions of this Act otherwise than by agreement, but which shall not be required for the purposes thereof, the Corporation shall within five years from the purchase thereof absolutely sell and dispose of all such superfluous lands and apply the purchase money arising from such sales to the purposes of this Act, and in default thereof all such superfluous lands remaining unsold at the expiration of such period shall thereupon vest in and become the property of the owners of the lands adjoining thereto, in proportion to the extent of their lands respectively adjoining the same.

Lands to be offered to owners of lands from which they were originally taken, or to adjoining owners.

431. Before the Corporation dispose of any such superfluous lands they shall first offer to sell the same to the person then entitled to the lands (if any) from which the same were originally severed, or if such person refuse to purchase the same, or cannot, after diligent inquiry, be found, then the like offer shall be made to the person or to the several persons whose lands shall immediately adjoin the lands so proposed to be sold, such persons being capable of entering into a contract for the purchase of such lands, and where more than one such person shall be entitled to such right of pre-emption, such offer shall be made to such persons in succession, one after another, in such order as the Corporation shall think fit.

Right of pre-emption to be claimed within six weeks.

432. If any such persons be desirous of purchasing such lands, then within six weeks after such offer of sale they shall signify their desire in that behalf to the Corporation, or if they decline such offer, or if for six weeks they neglect to signify their desire to purchase such lands, the right of pre-emption of every such person so declining or neglecting in respect of the lands included in such offer shall cease, and a declaration in writing made before a justice by some person not interested in the matter in question, stating that such offer was made, and was refused or not accepted within six weeks from the time of making the same, or that the person or all the persons entitled to the right of pre-emption were out of the country, or could not after diligent inquiry be found, or were not capable of entering into a contract for the purchase of such lands, shall in all courts be sufficient evidence of the facts therein stated.

Differences as to price to be settled by arbitration.

433. If any person entitled to such pre-emption be desirous of purchasing any such lands, and such person and the Corporation do not agree as to the price thereof, then such price shall be ascertained by arbitration in the manner provided by "The Lands Clauses Consolidation Act, 1845," and the costs of such arbitration shall be in the discretion of the arbitrators.

A.D. 1871.

Lands to be conveyed to the purchasers.

434. Upon payment or tender to the Corporation of the purchase money so agreed upon or determined as aforesaid, they shall convey such lands to the purchasers thereof by deed, under the corporate seal of the Corporation, and a deed so executed shall be effectual to vest the lands comprised therein in the purchaser of such lands for the estate and interest of the Corporation therein, and a receipt under such corporate seal shall be a sufficient discharge to the purchaser of any such lands for the purchase money in such receipt expressed to be received.

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

435. Except as to buildings or lands acquired by the Corporation under any Act repealed by this Act, or under the Public Health Acts, or under this Act, nothing in this Act shall enable the Corporation to sell, alienate, encumber, or demise for the purposes of this Act, without the approbation of the Commissioners of Her Majesty's Treasury, signified in writing, any buildings or lands which they could not have sold, alienated, encumbered, or demised without such approbation before the commencement of this Act.

XXII.—BOROUGH FUND AND BOROUGH AND OTHER RATES.

Regulation of borough fund.

436. With respect to the borough fund the following provisions shall have effect; (namely,)

(1.) From and after the commencement of this Act there shall, subject to the other provisions of this Act, be paid to the treasurer, and by him on receipt carried to the borough fund, the rents and profits of the lands of the Corporation, and all such rents and profits of lands as are under this Act or otherwise for the time being receivable by the Corporation, or any member or officer thereof as such, and all money belonging or payable to the Corporation, or any member or officer thereof as such (except money borrowed under the authority of this Act, and money received in respect of any cemetery rate or profits from the cemetery, and moneys received in respect of any lamp rate or highway rate), including the following particulars; (namely,)

All money in the hands of the treasurer at the commencement of this Act;

All money from time to time payable for new street or other expenses, purchase money of, consideration for, and fines on lands sold, leased, exchanged, or disposed of by the Corporation under this Act, gas rents and water rents, tolls, rents, and stallages, fees for licenses,

and fines and penalties payable to the Corporation under this Act, or under the Municipal Corporation Acts (except as otherwise therein provided):

But this enumeration of certain particulars shall not restrict the generality of the description before given in the present provision:

(2.) Out of the borough fund there shall be paid all the expenses of the execution by the Corporation of the Municipal Corporation Acts and of this Act (except the expenses of the execution of the provisions of this Act with respect to the cemetery, and such expenses as are herein provided to be paid out of the lighting fund).

Power to levy borough rate.

437. The council may, subject and according to the provisions of this Act, from time to time, annually or oftener, as and when they think fit, make, assess, and levy within the borough a rate called the borough rate, but such rates shall not exceed in any one year two shillings in the pound on the annual value of the property to be assessed.

Power to levy cemetery rate.

438. The council may, subject and according to the provisions of this Act, from time to time, annually or oftener, as and when they think fit, make, assess, and levy within the cemetery limits a rate called the cemetery rate, but such rates shall not exceed in any one year three halfpence in the pound on the annual value of the property to be assessed.

Power to levy lamp rate.

439. The council may, subject and according to the provisions of this Act, from time to time once in every year, make, assess, and levy a rate called the lamp rate on the occupiers of lands and property within the borough, situate or being within a distance (in a direct line) of two hundred yards from any public lamp for the time being lighted by the Corporation under the authority of this Act, but such rates shall not exceed in any one year sixpence in the pound on the annual value of the property to be assessed.

Mode of assessment.

440. Every borough, cemetery, and lamp rate shall be respectively made, assessed, and levied according and subject to the following provisions; (that is to say,)

(1.) It shall be made, assessed, and levied on the occupiers of all such kinds of property as by the laws in force for the time being are assessable to any rate for the relief of the poor, and are situate within the respective limits within which the respective rate is by this Act made leviable according to the net annual value of such property:

(2.) The owner of any tithes or tithe commutation rentcharge,

and the occupier 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 or used under the powers of any Act of Parliament for public traffic, shall be assessed in respect of the same in the proportion of one fourth part only of the net annual value thereof:

(3.) Any coal won from under lands situate without the borough but brought to bank within the borough shall be exempt from all payment of rates leviable under this Act except the cemetery rate, and any coal won from under lands situate without the cemetery limits but brought to bank within those limits shall be exempt from all payment of rates whatsoever leviable under this Act.

Produce of borough rate to be carried to borough fund.

441. All money levied by means of the borough rate shall be paid to the treasurer, and shall be carried to and shall form part of the borough fund, and shall be applied accordingly.

Produce of cemetery rate to be carried to cemetery fund.

442. All money levied by means of the cemetery rate shall be paid to the treasurer, and shall be carried to and form part of the cemetery fund, and shall be applied accordingly.

Produce of lamp rate to be carried to lighting fund.

443. All money levied by means of the lamp rate shall be paid to the treasurer, and shall be carried to and form part of the lighting fund, and shall be applied accordingly.

Application of cemetery fund.

444. All money from time to time raised by the cemetery rate, or otherwise received by the Corporation in respect of the cemetery, shall be the cemetery fund, and out of that fund there shall be paid—

(A.) The interest on moneys borrowed under the Act of 1854 for the purposes of the cemetery:

(B.) The proportion according to the amount so borrowed of the sinking fund by the Act of 1854 constituted:

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

Application of lighting fund.

445. All money from time to time raised by the lamp rate shall be the lighting fund, and out of that fund there shall be paid—

(*a*.) The expenses incurred by the Corporation in connexion with the providing, furnishing, lighting, and extinguishing the lamps in the public streets, including the price of the gas consumed, at a rate not exceeding that charged to consumers of gas:

(*b.*) The expenses incurred in and about the making, levying, collecting, and recovering of the lamp rate.

Other provision as to borough fund and rate, &c. excluded.

446. From and after the commencement of this Act the provisions of the Municipal Corporation Acts relative to the creation of a borough fund, and to the levying of borough rates, and the provisions of any Act authorising the levying of rates for the purposes of baths and wash-houses, and bathing places, libraries and museums, schools of science and art, and burial grounds, shall cease to apply to the borough.

Power to levy highway rate.

447. Nothing herein contained shall prevent the Corporation levying from time to time such a rate as may be necessary for the repair of the highways within the borough.

Rates may be prospective or retrospective.

448. The Corporation may make any rate prospectively in order to raise money to pay expenses to be incurred after the making of the rate, or retrospectively in order to raise money to pay expenses incurred within six months before the making of the rate, whether before or after the commencement of this Act.

Power to rate owner instead of occupier in cases described.

449. The owner instead of the occupier of the property may from time to time, at the option of the Corporation, be rated in the following cases; (namely,)

(1.) Where the rateable value of the property rated does not exceed the sum of ten pounds;

(2.) Where buildings are let in separate apartments;

(3.) Where the rents become payable or are collected at any shorter period than quarterly;

(4.) Where the property rated is a mill, manufactory, machine shop, or other work wherein or in any part whereof steam power is supplied by the owner;

subject, except with respect to the case lastly herein-before defined, to the following provisions; (namely,)

(1.) Where the owner is rated instead of the occupier he shall be assessed upon such reduced estimate as the Corporation deem reasonable of the net annual value, not being less than two thirds or more than four fifths thereof, but such reduced estimate shall be the same to each owner:

(2.) Where such reduced estimate is in respect of tenements on which the rate is to be paid whether occupied or unoccupied, then such assessment may be made on one half of the amount at which such tenements would be liable be rated if the same were occupied and the rate were levied on the occupier.

A.D. 1871.

Value of property to be ascertained according to poor rate.

450. Subject to the other provisions of this Act, the net annual value of all property rateable under this Act shall on every occasion of a rate being made be ascertained according to the then next preceding assessment for the relief of the poor within the respective limits within which the respective rate is by this Act made leviable.

Power for council, &c. to inspect parish rate books.

451. The council may cause all or any of the books or assessments of rates for the relief of the poor within the respective limits last mentioned to be produced before them, and may cause a copy thereof, or of any part thereof, to be taken without payment; and if any person in whose custody or power any such book or assessment is fails when required to attend the council therewith, or to permit the council to cause to be taken a copy thereof, or of any part thereof, he shall be liable to a penalty not exceeding fifty pounds.

Assessment to rates in case of unoccupied premises.

452. If at the time of making any rate, any premises in respect of which the rate may be made are unoccupied, such premises shall be included in the rate at a valuation to be made at the instance of the Corporation, but the rate shall not be charged on any person in respect of the same whilst they continue to be unoccupied, and if any such premises are afterwards occupied during any part of the period for which the rate was made, and before the same has been fully paid, the name of the incoming tenant shall be inserted in the rate, and thereupon so much of the rate as at the commencement of his tenancy is in proportion to the remainder of the said period shall be collected, recovered, and paid in the same manner in all respects as if the premises had been occupied at the time when the rate was made; and if any owner or occupier assessed or liable to any such rate ceases to be owner or occupier of the premises in respect whereof he is so assessed or liable before the end of the period for which the rate was made, and before the same is fully paid, he shall be liable to pay only such part of the rate as is in proportion to the time during which he continues to be such owner or occupier, and in every such case, if any person afterwards becomes owner or occupier of the premises during part of the said period, he shall pay such part of the rate as is in proportion to the time during which he continues to be such owner or occupier, and the same shall be recovered from him in the same manner as if he had been originally assessed or liable.

Apportionment of rates between outgoing and incoming tenants, &c.

If poor rates considered an unfair criterion a valuation to be made.

453. If at any time the rate for the relief of the poor is in the judgment of the Corporation or (in case of collieries) of the person assessed an unfair criterion by which any rates under this Act should be made, they may cause a valuation to be made of all or any part of the rateable property within the respective limits within

which any such rate is by this Act made leviable by some competent person, and any rate under this Act shall, as to the property comprised in such valuation, be made upon such valuation.

Power for valuer to enter and examine lands, &c. for purposes of valuation.

454. For the purpose of every such valuation, the person appointed for making the same, together with his assistants, may at all reasonable times until the same is completed enter, view, and examine, survey and admeasure, all and every part of the property to be valued, and do any act or thing necessary for making such valuation; but any valuation made previously to the appointment of such person, if tendered to him, and if in his judgment a just and true valuation, may be used by him.

Power to levy rates on property not included in the poor rate.

455. If any house, building, or land rateable under this Act is omitted from the poor rate, the Corporation may cause a valuation to be made of the annual rent or value thereof, and may cause the proper rates or assessments to be made upon the owner or occupier thereof, as they could have done if such house, building, or land had not been so omitted.

Form of rate.

456. Every rate made under the authority of this Act shall be fairly transcribed in a book, and shall be sealed with the common seal of the Corporation, and no allowance, publication, or other formality whatever, other than such as is expressly prescribed by this Act, shall be requisite to the validity of any such rate.

Owner may be rated without stating his name.

457. Where the name of any owner liable to be rated is not known to the officer of the Corporation by whom the rate book is made, it shall be sufficient to rate such owner in the rate book as the owner of the property to be rated by the designation of "the owner," without stating his name.

Notice of rate to be given.

458. Notice of every rate made under this Act having been made, and of the place where the rate is deposited, shall be given by the Corporation by placards posted at or near the Corporation offices, and also at every passenger railway station within the borough, and by advertisement in a newspaper published within the borough, within seven days next after the rate is made, but it shall not be necessary in any case to prove that such notice has been given.

Rate to be open to inspection of ratepayers.

459. Immediately after any rate is made the same shall be open to the inspection of any person rated at all seasonable times, and any such person may take copies of or extracts from such rate without payment; and if the person having the custody of such rate does not permit any person rated to take such copies or extracts he shall be liable to a penalty not exceeding five pounds.

A.D. 1871.

Power to amend rates.

460. The Corporation may from time to time amend any rate by inserting therein the name of any person who ought to have been rated, or who since the making thereof has become liable to be rated, or by striking out the name of any person who ought not to have been rated, or by increasing or reducing the sum at which any person is rated, or by making such other alterations therein as will make such rate conformable to this Act, and no such alteration shall be held to vitiate the rate or render it less operative; but any person shall have the same right to appeal from any such amendment as he would have had if the matter of amendment had appeared in the rate originally made, and with respect to him the amended rate shall be considered to have been made at the time when he received notice of the amendment; and in the case of any person the amount of whose rate is increased by the amendment, or whose name is newly inserted as aforesaid, the rate shall not be payable by him until seven days after notice of the amendment given to him.

Persons aggrieved by inequality of rate may apply to council or county court judge.

461. If any person thinks himself aggrieved by any rate on the ground of inequality, unfairness, or incorrectness in the valuation of any rateable property included therein, he may, at any time within six weeks after the publication of the rate, on giving six days notice to the Corporation, apply for relief either to the council or to the judge of the county court holden at Burnley, who, if they or he think such person aggrieved, may give such relief as to them or him seems reasonable, and in case of an application to the said judge an appeal shall lie from his decision to the Court of Queen's Bench at Westminster.

Rates may be recovered by action or distress.

462. If any person fails to pay the amount due by him in respect of any rate, the Corporation may recover the amount, with the costs and expenses, by proceeding in any court of competent jurisdiction, or any justice may, on the application of the Corporation, summon such person to appear before him or any other justice at the time to be mentioned in the summons to show cause why the rate due from him should not be paid; and in case sufficient cause for the non-payment of such rate is not shown, the same, with such costs as to the justice seems reasonable, may be levied by distress, and such justice may issue his warrant accordingly: Provided that if sufficient distress cannot be found within the respective limits within which the respective rate is by this Act authorised to be levied whereon to levy such rate and costs, and it so appears upon oath before a justice of any other jurisdiction in which any goods or chattels of the defaulter may be, the last-mentioned justice shall endorse his signature upon the said warrant, and thereupon the amount to be levied, or so much thereof as is unsatisfied, shall be

levied off the last-mentioned goods and chattels as if the defaulter had been assessed in the last-mentioned county or jurisdiction.

Rates due from owner may be recovered from occupier.

463. Subject to section four hundred and ninety-four of this Act, if the amount due by any owner of property in respect of any rate is not paid by him within three months after it becomes due, the Corporation may recover that amount from the occupier for the time being of such property as if he had been originally liable to pay the same.

Rates made for a certain period to be apportioned.

464. When any rate is made for a particular period, and the owner or occupier rated ceases to be the owner or occupier of the property in respect whereof he is rated before the end of such period, he shall only be liable to pay the proportion of the rate for the time during which he continued owner or occupier; and if any other person becomes the owner or occupier of the property during any part of such period, such person shall only be liable to pay the proportion of the rate for the time during which he holds or occupies the property, and the same may be recovered from him as if he had been originally rated.

Recovery of rates from persons removing.

465. In case any person quits or is about to quit any rated property before he has paid all rates due from him, and fails to pay the same on demand, the collector or any constable may, by warrant under the hand of a justice (which warrant a justice is hereby authorised and required to grant without issuing any previous summons to such person, upon proof to his satisfaction of such removal or intended removal, or that there is reason to suspect the same), distrain the goods and chattels of such person, and sell the same, rendering the overplus (if any), after having deducted the reasonable expenses attending such distress and sale, together with the rates so due, to the owner of such goods and chattels upon demand.

Discount on rates, &c.

466. The Corporation may from time to time, if they think fit, make an allowance by way of discount, not exceeding the rate of ten per centum, on the amount due in respect of any rate authorised to be levied by this Act, or any gas or water rents, from every person who pays the same within such time after demand thereof as the Corporation think fit to prescribe in that behalf.

Rate books to be evidence.

467. The books of the Corporation shall be received as evidence of rates made by the authority of this Act.

XXIII.—BORROWING POWERS.

Power to borrow on security of estates, &c.

468. The Corporation may from time to time, for defraying the expenses of the execution by them of this Act, in addition to any

A.D. 1871.

existing mortgage debt, borrow at interest, on the security of the estates and property of the Corporation, and the borough fund and the borough rates, any sums not exceeding in the whole one hundred and twelve thousand pounds, and may mortgage their estates and property and the borough fund and the borough rates to secure repayment thereof, with interest accordingly.

Limitation as to expenditure of money borrowed.

469. The Corporation shall not, out of the money borrowed by them under this Act, expend more than the respective amounts following in connexion with the following purposes; (namely,)

In connexion with the supply of gas, twenty thousand pounds:
In connexion with the supply of water, thirty thousand pounds:
In connexion with sewerage purposes, thirty thousand pounds:
In connexion with street improvements, ten thousand pounds:
In connexion with river improvements, ten thousand pounds:
In connexion with markets, twelve thousand pounds.

Transfer to borough fund.

470. Subject to the foregoing provisions, all borrowed money at the commencement of this Act charged or expressed to be charged on the Corporation estates, tolls, rates, water rents, gas rents, and other property and effects under the Acts of 1854 and 1865, under or by virtue of any instrument made or expressed to be made under either of those Acts, is hereby transferred to and charged on the borough fund and borough rate, and all mortgages issued before the commencement of this Act shall have effect accordingly.

Power to Public Works Loan Commissioners to lend money.

471. The Public Works Loan Commissioners may advance to the Corporation, on the security of the borough rate, without any further security, such sums of money as those Commissioners think fit, to be applied by the Corporation in carrying into effect the purposes of this Act.

Application of money borrowed.

472. All money borrowed under this Act shall be appropriated to purposes for which it is authorised to be borrowed, and shall be expended exclusively on works or objects on which capital may properly be expended, and not in defraying the expenses of maintenance of any works or other ordinary current expenses of or connected with any work or establishment.

Limitation as to time of borrowing for water purposes.

473. The Corporation shall not raise more than one third of the said sum of thirty thousand pounds for water purposes within five years next after the passing of this Act.

Protection of lenders from inquiry.

474. A person lending money to the Corporation shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application or be answerable for any loss or non-application of such money, or of any part thereof.

Power to re-borrow.

475. If the Corporation pay off any part of any money borrowed by them under this Act or under any former Act, and remaining unpaid at the commencement of this Act, otherwise than by means of a sinking fund, they may re-borrow the same, and so from time to time.

Saving for existing charges.

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

Regulations as to mortgages.

477. With respect to mortgages made under this Act, the following provisions shall have effect; (namely,)

(1.) Every mortgage shall be by deed under the common seal of the Corporation:

(2.) The mortgagees and their respective representatives and assigns shall, in proportion to the sums secured, be creditors on the property mortgaged to them respectively equally one with another, without preference by reason of priority of date or otherwise:

(3.) A register of the mortgages shall be kept by the town clerk, and within fourteen days after the date of each mortgage an entry of the number and date thereof, and of the names of the parties thereto, with their additions, shall be made in the register, which may be perused at all reasonable times by any person interested in any mortgage, without payment.

Transfers of mortgages.

478. With respect to transfers of mortgages made under this Act, the following provisions shall have effect; namely,

(1.) Any person entitled to a mortgage may transfer his interest therein to any other person by deed:

(2.) Within thirty days after the date of every such deed of transfer it shall be produced to the town clerk, who shall cause an entry thereof to be made in a registry of transfers of mortgages on payment of a sum not exceeding five shillings, and after such entry every such transfer shall entitle the transferee, his representatives and assigns, to the full benefit of the original mortgage in all respects (including the power of transfer), and any person having

A.D. 1871.

made such a transfer shall not have power to release or discharge the mortgage transferred, or any money thereby secured.

Repayment of money borrowed on mortgage.

479. With respect to the repayment of money borrowed on mortgages made under this Act, the following provisions shall have effect; (namely,)

(1.) The Corporation may, if they think proper, fix a period for such repayment, and in that case they shall cause such period to be inserted in the mortgage, and on the expiration thereof the principal sum, with the interest accrued thereon, shall, on demand, be paid to the person entitled to receive the same, and if a place of payment is not inserted in the deed the payment shall be made at the office of the treasurer:

(2.) If a time is not fixed in the mortgage deed for such repayment, the person entitled to receive such money may at any time after the expiration of twelve months from the date of such deed demand payment of the principal money thereby secured, and interest, on giving six months previous notice for that purpose, and in the like case the Corporation may at any time pay off the money borrowed on giving the like notice, and every such notice shall be in writing or print, or partly in writing and partly in print, and if given by the Corporation shall be given personally to the person entitled as aforesaid, or left at his residence, or if he is unknown to the Corporation, or cannot be found after diligent inquiry, such notice shall be given by advertisement in the "London Gazette:"

(3.) If the Corporation give notice of their intention to pay off any mortgage at a time when the same may be lawfully paid off by them, then at the expiration of such notice all further interest shall cease to be payable thereon unless, on demand of payment made pursuant to such notice or at any time thereafter, the Corporation fail to pay the principal and interest due at the expiration of notice:

(4.) In order to discharge the principal moneys borrowed under this Act the Corporation shall either pay off the respective amounts borrowed by annual or other instalments, or otherwise, within sixty years from the time of borrowing as to money borrowed for purposes other than gas purposes, and within thirty years from the time of borrowing as to money borrowed for gas purposes, or else every year appropriate out of the borough fund a sum equal to one

sixtieth part of the sums borrowed for purposes other than gas purposes, and a sum equal to one thirtieth part of the sums borrowed for gas purposes, and respectively remaining unpaid, for sinking funds, to be from time to time respectively invested in the purchase of Exchequer bills or other government securities, and to be respectively increased by accumulation in the way of compound interest or otherwise until the same respectively is of sufficient amount to pay off the respective principal debts, or some parts thereof respectively which the Corporation think ought then to be paid off, at which respective time the same respectively shall be so applied in paying off the same respectively:

(5.) Whenever the Corporation are able to pay off one or more of the mortgages payable, but are not able to pay off the whole of the same class, they shall decide by lot the order of payment among that class, and shall cause a notice, signed by the town clerk, to be given to the persons entitled to the money to be paid off according to such decision, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid, together with the interest due thereon, at a place to be specified at the expiration of six months from the date of such notice.

Power for mortgagees to obtain a receiver.

480. With respect to a receiver the following provisions shall have effect; (namely,)

(1.) If within thirty days after the interest accruing upon any mortgage made under this Act has become payable, and after demand thereof in writing, the same is not paid, the mortgagee may (without prejudice to his right to sue for the same) require the appointment of a receiver:

(2.) If within six months after the principal money owing upon any such mortgage has become payable, and after demand thereof in writing, the same is not paid, with all interest due in respect thereof, the mortgagee (without prejudice to his right to sue for such principal money and interest) may, if his debt amounts to one tenth of the whole amount for the time being due on mortgages made under this Act, alone, or if his debt does not amount to the said one tenth, then in conjunction with other mortgagees whose debt being so in arrear, after demand as aforesaid, together with his, amount to the said one tenth, require the appointment of a receiver:

A.D. 1871.

(3.) Every application for such a receiver shall be made to two justices, who may by order in writing, after hearing the parties, appoint some person to receive the whole or a competent part of the income producing the borough fund until such interest, or until such principal and interest (as the case may be), with all costs (including the charges of receiving the income), be fully paid, and thenceforth all such income, or such part thereof as the justices order, shall be paid to the receiver so appointed, and the money so paid shall be so much money received to the use of the person on whose behalf the receiver is appointed; and after such interest and costs, or such principal, interest, and costs, have been fully paid, the powers of the receiver shall cease.

Accounts open to mortgagees.

481. The books of account of the Corporation shall be open at all reasonable times to the inspection of the mortgagees of the Corporation, with liberty to take extracts therefrom without payment.

XXIV.—BYELAWS.

Regulations as to byelaws.

482. With respect to byelaws to be made by the Corporation under this Act, the following provisions shall have effect; (namely,)

(1.) Nothing in this Act shall authorise the Corporation to make any byelaw repugnant to law or to this Act:

(2.) All byelaws shall be reduced into writing and be under the common seal of the Corporation:

(3.) The Corporation may by any byelaw impose penalties for offences against the same, not exceeding in respect of any offence five pounds, so that all byelaws be so framed as to allow of part only of the maximum penalty being inflicted:

(4.) Penalties under byelaws shall be recoverable as penalties under this Act are recoverable:

(5.) A byelaw shall not take effect until it is allowed by one of Her Majesty's Principal Secretaries of State (who may allow or disallow the same as he thinks proper), and any such byelaw shall not be allowed unless notice of intention to apply for allowance of the same is given by placards posted in some public places within the borough, not less than one month before the making of such application, and for one month at least before such application a copy of the proposed byelaw shall be kept at the town clerk's office and be open during office hours thereat to the inspection of the ratepayers of the borough without payment,

and the town clerk shall furnish a copy thereof, or of any part thereof, to every ratepayer applying for the same on payment of sixpence for every hundred words in such copy, or if the proposed byelaw has been printed by the Corporation, then at such reasonable price, not exceeding twopence for each copy, as the Corporation direct:

(6.) All byelaws when allowed shall be printed, with the date at which they are made, and the town clerk shall keep a printed copy thereof at his office, and all persons may at all reasonable times inspect such copy without payment, and the Corporation shall cause to be delivered a printed copy, signed by the town clerk, of all byelaws for the time being in force to every person applying for the same, on payment by him of any sum not exceeding one shilling and sixpence for every such copy, and a printed copy, signed by the town clerk, of the byelaws for the time being in force relative to any particular subject to every person applying for the same, on payment by him of any sum not exceeding threepence for every such copy:

(7.) Proper extracts from the byelaws painted or placed on boards may be set up and kept exhibited in places to which such extracts relate, or in such conspicuous or suitable places as the Corporation think fit:

(8.) A printed copy of byelaws, dated and purporting to be allowed as aforesaid, and to be signed by the town clerk, shall be primâ facie evidence of the existence and of the due making and allowance of such byelaws, without proof of the signature of the town clerk:

(9.) Any byelaw may from time to time be repealed, altered, or amended, but such altered or amended byelaw shall be subject to the foregoing provisions.

Existing byelaws continued for a time.

483. Any byelaws made under any enactment repealed by this Act shall remain in force until repealed by any byelaw made under this Act, but no longer.

XXV.—SETTLEMENT OF DISPUTES.—ARBITRATION.

Settlement of disputes as to compensation.

484. Where any compensation, damages, costs, charges, or expenses is or are by this Act directed to be paid, and the method of ascertaining the amount thereof is not provided for, such amount shall, in case of dispute, be ascertained and determined by two justices not being members of the council, or, if required by either party, by the judge for the time being of the county court held in the borough, and such justices or judge may take the advice of any

A.D. 1871.

surveyor or architect, or other person skilled in the matter; and where the mode of recovery of any compensation, damages, costs, charges, or expenses is not provided for, the same shall be recovered before two justices not being members of the council, or, if required by either party, by the judge for the time being of the county court held in the borough, and in either case any justice, upon the application of either party, may summon the other party and any witness to appear before two justices or the said judge at a time and place to be named in such summons; and on the appearance of the parties, or in the absence of either of them on proof of due service of the summons, such two justices or judge shall hear and determine the matter, and shall award such sum and make such order as to the matter in dispute, or otherwise, as they or he may think just; and if the amount awarded or ordered by them or him to be paid is not paid by the person liable to pay the same within fourteen days after demand, such amount may be recovered by distress and sale of the goods and chattels of such person, and such justices or either of them, or any other justice, may issue his warrant accordingly, or the amount may be recovered in any court of competent jurisdiction.

Mode of arbitration.

485. Except as expressly otherwise provided in this Act, sections twenty-five to sixty-eight (inclusive) of "The Lands Clauses Consolidation Act, 1845," shall apply to the determination of any question directed by this Act to be determined by arbitration.

XXVI.—APPEAL TO QUARTER SESSIONS.

Appeal in case of summary conviction against orders of justices or against rates, &c.

486. In any of the following cases; (namely,)

(1.) Where on any summary conviction or adjudication under this Act, in respect of an offence punishable by pecuniary penalty or by imprisonment, the penalty adjudged to be paid (inclusive of any costs) exceeds three pounds, or the term of imprisonment adjudged exceeds one month, or the conviction or adjudication is had before or made by one justice only;

(2.) Where any adjudication under this Act other than such an adjudication as aforesaid, or any order or determination under this Act, is made by any justice or justices, or any order or determination is made by the council;

(3.) Where any rate is made by the council, but in cases where application for relief is authorised to be made to the council, then only after such application;

any person who thinks himself aggrieved by such conviction, adjudication, order, or determination, or by any rate or anything included

in or omitted from any rate, may appeal to the next court of quarter sessions holden not less than twenty-one days after the day whereon such conviction, adjudication, order, determination, or rate is made, subject and according to the following provisions; (that is to say,)

(1.) Within seven days after the last-mentioned day, and twelve clear days at least before such sessions, the appellant may give notice in writing of the appeal, and of the matter and ground thereof, to the complainant or the party in whose favour the adjudication, order, or determination is made, or whose interest is immediately affected thereby (as the case may be), and also in case of an appeal against a rate to the council:

(2.) Within three days after giving such notice the appellant may enter into a recognizance, with two sufficient sureties, before a justice in such sum as the justice thinks fit conditioned to try the appeal, and abide the judgment of the court thereon, and pay any costs awarded by the court, and in case he is in custody to appear personally at the sessions; or,

(3.) Where the appeal is against a conviction imposing only a pecuniary penalty, or against an adjudication for the payment of money, the appellant may deposit with the clerk of the justice before or by whom the conviction or adjudication is had or made such sum of money as the justice thinks sufficient to cover the amount of the penalty or money adjudged to be paid, with the costs of the conviction or adjudication and of the appeal:

(4.) On such notice being given, and such recognizance being entered into, or such deposit being made, the appellant shall be liberated if in custody:

(5.) The court of quarter sessions, on proof of such notice and recognizance or deposit, shall in a summary way hear and determine the appeal, or (if they think fit) adjourn the hearing thereof to a subsequent session:

(6.) The court, by their order on the appeal, may affirm or quash the conviction, adjudication, order, or determination appealed against, or may mitigate any forfeiture or penalty, or may order any money paid or levied to be returned, or may dismiss the appeal, or make such other order therein, with or without costs to either party, as seems just, and may (if necessary) issue process for enforcing their judgment:

(7.) Where any such deposit as aforesaid is made, and the con-

A.D. 1871.

viction or adjudication is affirmed, or the appeal is dismissed, the court may order the amount of the penalty or other money adjudged to be paid, together with the costs of the conviction or adjudication and of the appeal, to be paid out of the deposit, and the residue thereof, if any, to be returned to the appellant, and in any other case shall order the deposit to be returned to the appellant:

(8.) Where on appeal a conviction is quashed, the proper officer shall forthwith endorse on the conviction a memorandum that it has been so quashed; and whenever any copy or certificate of such conviction is made, a copy of the memorandum shall be added thereto, which shall be sufficient evidence of the conviction having been quashed in all cases where a copy or certificate would be sufficient evidence of the conviction:

(9.) In an appeal against a rate the court by their order may affirm the rate, or may amend the rate, or may give relief to any person rated, by inserting therein or striking out therefrom any name, or altering any sum therein, without quashing the rate, or may quash the rate and order a new rate to be made; and in any such appeal the court shall have the like power of awarding costs to be paid by or to any party, and of compelling payment thereof, as they for the time being have for awarding and compelling payment of costs in an appeal against a rate for the relief of the poor:

(10.) It shall not be requisite for a railway company being an appellant to enter into any recognizance, or to make any deposit of money, unless required so to do in writing, under the hand of the town clerk, delivered or sent by post as herein-before provided:

The provision of this section shall apply to the Corporation when they think themselves aggrieved by any such conviction, adjudication, order, or determination, and shall apply to the Corporation when appellants, save only that it shall not be requisite for the Corporation to enter into any recognizance, or make any deposit of money.

XXVII.—MISCELLANEOUS PROVISIONS.

Provisions of 11 & 12 Vict. c. 43. applicable to this Act.

487. Except as by this Act provided, all the provisions of the Act of the session of the eleventh and twelfth years of Her Majesty, chapter forty-three, "to facilitate the performance of the duties of "the justices of the peace out of sessions within England and

"Wales with respect to summary convictions and orders," and of any Act for the time being in force amending or substituted for the same relating to proceedings for the recovery of penalties by summary conviction, and to appeals against such convictions, and the levying and enforcing of penalties, and all subsequent proceedings which may be taken on nonpayment thereof, or, in default of distress, including the commitment to prison of the defaulter, and enforcing payment of sums of money ordered or awarded to be paid by justices, and the costs of such proceedings shall be applied and put in force in relation to the penalties by this Act imposed.

Punishment of abettors, &c.

488. Where the doing of any act or thing is made punishable by this Act, or by any byelaw thereunder, any person causing or procuring such act or thing to be done, or aiding or abetting therein, shall be punishable in like manner.

Penalties on repetition of offences.

489. Where by this Act any pecuniary penalty or other punishment is imposed in respect of any offence described in this Act, then and in every such case, if the nature of the case permit, and if an intention to the contrary does not appear in this Act, such penalty or punishment may be inflicted for every repetition of such offence.

Proceedings when offender refuses to state his name.

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

Evidence of previous conviction.

491. The justice before whom any person is convicted of any offence may transmit the conviction to the next court of quarter sessions, there to be kept by the proper officer among the records of the court, and on the prosecution of any person for any subsequent offence a copy of such conviction, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and such conviction shall be presumed not to have been quashed on appeal until the contrary is shown.

Damages and charges in cases of dispute to be settled by justices.

492. Where any damages or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned, the amount of such damages or charges, in case of dispute respecting the same, may be settled and determined by the justice before whom any offender is convicted, and may be levied by distress.

A.D. 1871.

Saving for indictments, &c.

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

Extent to which occupier liable in default of owner.

494. Where under the provisions of this Act any money is in default of payment thereof by the owner of any building or lands recoverable from the occupier thereof, the occupier shall be liable from time to time to the extent of the amount of the rent for the time being due from him to such owner, or of the proportion of rent in respect of any current period (the burden of proving which amount shall be on the occupier), but only as from the service on the occupier of a demand of payment of rent to the Corporation, and notice not to pay the same to the owner, and every such occupier shall be entitled to deduct any money paid by him (together with all costs, charges, and expenses incurred by him in respect of the payment thereof to the Corporation, or in respect of the recovery thereof by the Corporation) out of the rent due or becoming due from him to such owner.

Regulations as to distress.

495. With respect to distress, the following provisions shall have effect; (namely,)

(1.) Any number of names and sums may be included in any warrant of distress obtained by the Corporation for any of the purposes of this Act, and may be stated either in the body of the warrant or in a schedule thereto, and may be for a balance remaining unpaid, or for an agreed instalment due:

(2.) Any justice who issues a warrant of distress may order that the costs of the proceedings for the recovery of the sum or sums for which the distress is ordered be paid by the person or persons liable to pay such sum or sums, and such costs shall be ascertained, and where there are more persons than one shall be apportioned, by the justice, and shall be included in the warrant of distress for the recovery of such sum or sums:

(3.) Every constable shall, upon being required by a collector or other officer of the Corporation, aid in making a distress or sale pursuant to any such warrant, and in default of so doing shall be liable to a penalty not exceeding five pounds:

(4.) Any distress under this Act shall not be deemed unlawful, nor shall the party making the same be deemed a tres-

passer, on the ground of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser ab initio on account of any subsequent irregularity in the prosecuting of such distress.

Power to order prosecutions, &c.

496. The Corporation may direct any prosecution or proceeding against any person for any offence against this Act, or any matter arising under this Act.

Act not to prevent Corporation from being indicted for a nuisance.

497. Nothing in this Act shall prevent the Corporation from being liable to an indictment for nuisance, or to any other legal proceeding to which they may be liable, in consequence of their making or supplying gas, or otherwise carrying into execution any of the powers of this Act.

498. The justice or justices by whom any penalty is imposed under this Act upon any person other than the Corporation shall award the same to the Corporation.

Application of penalties.

499. Where any penalty or forfeiture is inflicted on the Corporation, the amount thereof shall (except where otherwise provided, or when ordered by the justice or justices before whom the same is recovered to be paid to the party aggrieved) be paid to the overseers of the poor of the townships of Burnley and Habergham Eaves, in equal shares, to be applied in aid of the poor rate of the respective township.

Application of penalties inflicted on Corporation.

500. Any order, verdict, rate assessment, judgment, conviction, or any proceeding touching or concerning any offence against this Act, or against any byelaw thereunder, shall not be quashed or vacated for want of form only, or be removable by certiorari or otherwise into any of the superior courts.

Proceedings not to be quashed for want of form or removal by certiorari.

501. A warrant of commitment on any conviction shall not be held void by reason of any defect therein if it is therein alleged that the person therein named has been convicted, and there is a good conviction to sustain the same.

Validity of warrants of commitment.

502. Except as expressly otherwise provided, any person shall not be disqualified or disabled to act as justice of the peace, coroner, juror, or otherwise, in any matter arising under or in relation to this Act by reason of his being a ratepayer in the borough, or liable to any payments under this Act, or a member of the council or of any committee thereof.

Justices, &c. not disqualified from acting.

503. No member of the council being the owner or occupier of any tenement within or adjoining or within fifty yards of any street proposed to be declared under this Act a highway, or being

Members of council not to vote in cases where

A.D. 1871.

they are interested.

the owner of any chief or other rent issuing out of any such tenement, shall vote at any meeting of the council touching the declaring of such street to be a highway, or touching the first paving, repairing, or sewering of the same, or any part thereof, and no member of the council shall vote at any meeting of the council touching the sale, purchase, or exchange of any land or thing in which he has any interest other than his interest in common with the other members of the council or in common with the ratepayers at large, and no member of the council shall take any part in any vote, proceeding, or discussion relative to any work which is or may have to be done by such member.

Payment of auditors.

504. The council may, if they think fit, pay to each of the auditors of the borough, out of the borough fund, such reasonable remuneration as the council from time to time determine, or the council may, if they think fit, appoint an accountant or accountants to make such audit, and pay to him or them any such remuneration.

Persons entering into contracts with Corporation not disqualified as members of Corporation.

505. Any person entering into any contract with the Corporation for a supply of gas or water, or for any work to be done for, or meter or apparatus to be furnished to him for the purposes of such supply, or for a sale or lease of lands, or a loan of money, to the Corporation, shall not thereby be disabled from being, continuing, or acting as mayor, alderman, or councillor of the borough, or as an officer or servant of the Corporation, or incur any penalty by reason of such contract, or of his being, continuing, or acting as such mayor, alderman, councillor, officer, or servant, but the mayor or any alderman or councillor concerned, by himself or any partner, in any such contract, shall not take any part in any vote, proceeding, or discussion in the council relative thereto.

Validity of meetings of council, &c.

506. Until the contrary is proved, every meeting of the council, or of any committee of the council, shall be deemed to have been duly convened and held, and all members attending such meeting shall be deemed to have been duly qualified.

Continuance of and power to appoint officers and servants.

507. All the officers and servants of the Corporation in office at the commencement of this Act shall continue to be the officers and servants of the Corporation according to the nature and tenure of their appointments and employments respectively, and the Corporation may from time to time appoint such officers and servants for the execution of this Act, and take such security for the performance of their duties, as the Corporation think proper; and the Corporation may from time to time, subject to the nature and tenure of their respective appointments and employments, remove or suspend any

of them as the Corporation see occasion, and pay and make such salaries, wages, and other allowances to them, and to any person assisting the Corporation in the execution of this Act, as the Corporation deem reasonable, and mutatis mutandis, all such officers and servants shall be accountable to the Corporation, and the Corporation shall have the like remedies against them in relation to accounts, vouchers, bills, payments, books, papers, and writings as if they had been appointed by virtue and for the purposes of the Municipal Corporation Acts.

Public bellman continued.

508. The present public bellman or town crier shall continue to be the bellman or town crier of the borough according to the nature and tenure of his appointment, and the Corporation shall continue to have and exercise the right or privilege of appointing, and from time to time removing, a public bellman or town crier for the borough, and any person exercising within the borough any duties or functions usually exercised by a public bellman or town crier, except he shall have been appointed to such office by the Corporation, shall be liable to a penalty for each such offence not exceeding one pound.

Bellman's fees.

509. The council may from time to time, by resolution, prescribe and from time to time vary the fees and perquisites which the bellman or town crier shall be entitled to receive from persons employing him in respect of his services as bellman or town crier.

Penalty on officer or servant taking unauthorised fees.

510. If any officer or servant demands or takes on account of anything done by virtue of his office or for forbearing to do anything that ought to be so done, or on any other account relative to his duty, any fee or reward whatsoever other than the salary or allowances allowed by the Corporation, or is in anywise concerned or interested in any bargain or contract made by the Corporation, he shall be liable to a penalty not exceeding fifty pounds, and shall from and after conviction be incapable of being employed by the Corporation in any capacity.

Accounts of receipts, &c.

511. The provisions of the Municipal Corporation Acts relative to the keeping of accounts and to the accounts kept of sums of money received and paid under those Acts, and to the auditing thereof, shall extend and apply to the keeping of accounts and to the accounts kept of sums of money received and paid under this Act, and to the auditing thereof.

Power to contract for works.

512. The Corporation from time to time may contract with any person for performing or doing any of the works or things by this Act authorised, and all such contracts shall be in writing, sealed

A.D. 1871.

with the common seal of the Corporation, and signed by the person contracting, and shall specify the works and things so to be done, and the prices at and the times within which they are to be done, and the Corporation may take such bond or other security from every contractor for the due performance of his contract as they think sufficient.

Power to compound with contractors.

513. The Corporation may from time to time compound with any person having entered into any contract with the Corporation under this Act for any penalty contained in such contract, or in any bond or other security for the performance thereof, or on account of any breach or non-performance of such contract, bond, or security, for such sum of money or other recompense as the Corporation think proper.

Penalty for obstructing persons employed in execution of Act.

514. If any person obstructs, assaults, hinders, or molests any member of the council, or any officer or servant of the Corporation acting under this Act, or any byelaw thereunder, in the execution of his duty, or in the execution of any of the powers, authorities, works, matters, or things to be exercised or done under this Act or any such byelaw, he shall be liable to a penalty not exceeding five pounds.

Penalty on pulling down notice boards.

515. If any person destroys, pulls down, injures, or defaces any placard or notice issued and put up by or under the direction of the Corporation, or any notice of the position of a fireplug, or any board provided by the Corporation on which any byelaw or part of a byelaw of the Corporation is painted or placed, he shall be liable to a penalty not exceeding five pounds.

Penalty on occupier refusing to give name of owner.

516. If on request made on behalf of the Corporation the occupier of any property refuses or wilfully omits to disclose or wilfully misstates the name of the owner of such property, any justice may summon such occupier to appear at the time and place mentioned in such summons before such justice, or before some other justice, and if such occupier refuses or neglects to attend at the time and place mentioned in the summons, or if he attends and does not show good cause or excuse to the justice for his refusal, omission, or misstatement, such justice may, on proof (in case of the neglect or refusal to attend as aforesaid) of the due service of the summons, or on such attendance, impose a penalty upon such occupier not exceeding five pounds.

Form and service of notices, &c. by Corporation.

517. Any notice, order, resolution, declaration, requisition, consent, demand, or other instrument made, given, delivered, or served under this or any other Act or any byelaw 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, or of the surveyor or other proper officer, according to the subject of the particular document, being affixed thereto in print or writing on behalf of the Corporation; and it shall be sufficient in all cases, except as by this Act otherwise expressly provided, where any such notice, order, resolution, declaration, requisition, consent, demand, or other instrument is required to be given to or served upon the owner, lessee, or occupier of any property, to address such notice, order, resolution, declaration, requisition, consent, demand, or other instrument 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 the notice, order, resolution, declaration, requisition, consent, demand, or other instrument is given or served, without further name or description; and any such notice, order, resolution, declaration, requisition, consent, demand, or other instrument may be addressed to owners or occupiers of any number of adjoining or neighbouring houses or buildings collectively, and any notice, order, resolution, declaration, requisition, consent, demand, or other instrument, if addressed as last aforesaid, 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 notice, order, resolution, declaration, requisition, consent, demand, or other instrument may be served upon any owner, occupier, or other person either personally or by sending the same through the post in a registered 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 such notice, order, resolution, declaration, requisition, consent, demand, or instrument is given or served; or if the building is unoccupied, and the place of abode of the person to be served is unknown, or if the name of the person to be served is unknown, it shall be sufficient to affix such notice, order, resolution, declaration, requisition, consent, demand, or instrument, or a copy thereof, upon some conspicuous part of such building.

Service of notice on Corporation.

518. Any notice to or demand on the Corporation under this Act may be served on the Corporation by being delivered to the town clerk, or by being sent through the post in a registered letter directed to the town clerk, in which latter case service shall be deemed to be effected on the Corporation on the day on which such letter would be delivered in the ordinary course of post.

A.D. 1871.

Hours for notices.

519. Where by this Act it is required that any notice or other instrument be left at the office of the town clerk or surveyor, the same shall be left there within the usual office hours observed thereat, and in the absence of express provision in this Act the Corporation may from time to time by byelaw direct the delivery of notices and other instruments required by this Act to particular officers of the Corporation, and appoint the time and places of such delivery.

Plans to be property of Corporation.

520. All plans and other documents which, in pursuance of this Act or of any byelaw made thereunder, are left at the office of the Corporation or delivered to any officer of the Corporation, shall become and be the property of the Corporation.

Books and papers of Corporation on death of officers, &c.

521. In case of the death of any officer or servant of the Corporation, or of his becoming bankrupt before he has delivered up all books, papers, writings, and other things concerning his office or employment, or relating to the execution of this Act, no interest whatever in such books, papers, writings, and things, or any of them, shall pass to or vest in his representatives or assignees, as the case may be.

Proof of debt in bankruptcy.

522. If any person against whom the Corporation have any claim or demand becomes bankrupt, the town clerk, in all proceedings in relation to the estate of such bankrupt, may represent the Corporation, and act in their behalf in all respects as if such claim or demand had been the claim or demand of the town clerk and not of the Corporation.

Plaintiff not to recover without notice or after tender of amends.

523. A plaintiff shall not recover in any action to be commenced against the Corporation, or any officer of the Corporation, or other person aiding or assisting them or him, for anything done or intended to be done in pursuance or under the authority of this Act, if tender of sufficient amends has been made to him or to his attorney, by or on behalf of the defendant, before the commencing of such action, and, in case no such tender has been made, the defendant in any such action may, by leave of the court, after action brought, at any time before issue joined, pay into court such sum of money as he thinks fit, whereupon such proceeding, order, and judgment shall be had, made, and given in and by such court as in actions where the defendant is allowed to pay money into court.

Forms in Fifth Schedule authorised.

524. The forms given in the Fifth Schedule to this Act may be used for or in respect of the purposes therein indicated, with such variations and additions as circumstances may require.

Corporation to keep distinct accounts.

525. The Corporation shall keep distinct accounts in respect of the following matters; (namely,)

Gas;
Water;
Sewerage;
Parks;
Markets and fairs;
Baths and wash-houses;
Cemetery;
Lighting;
Scavenging.

Savings from effect of repeals, &c.

526. Notwithstanding any repeal or other thing in this Act contained,—

(1.) The Corporation shall continue and be seised, possessed of, and entitled to all rights, interests, and property of or to which they are at the commencement of this Act seised, possessed, or entitled as if this Act had not been passed;

(2.) All acts, works, matters, and things before the commencement of this Act done or commenced under the powers and authorities of the Acts by this Act wholly or partially repealed, or made to cease to apply to the borough, or any of them, or under any of them, or under any other Act or authority, and which are at the commencement of this Act good, valid, and available, or in progress, and all conveyances, leases, mortgages, bonds, covenants, deeds, instruments, contracts, agreements, obligations, rights, and remedies at the commencement of this Act existing under the same, shall be and continue as good, valid, and available for all purposes, and for and against all parties, and may be continued and completed as if this Act had not been passed;

(3.) All actions, suits, prosecutions, or other proceedings by or against the Corporation, by reason of any matter or thing done before the commencement of this Act in execution of or in relation to the said Acts or any of them, may be continued, commenced, or prosecuted by or against the Corporation as if this Act had not been passed;

(4.) The sinking fund for the redemption of mortgages appropriated and accumulated under the Act of 1854, as existing at the commencement of this Act, shall be kept standing to a separate account; and the Corporation shall continue to appropriate and set apart every year as a sinking fund for that purpose a sum of not less than one

A.D. 1871.

thousand five hundred pounds; and the said sinking fund as existing at the commencement of this Act, and as thereafter continued, shall be applied as if this Act had not been passed;

(5.) The sinking fund for the redemption of mortgages appropriated and accumulated under the Act of 1865, as existing at the commencement of this Act, shall be kept standing to a separate account; and except that the Corporation shall appropriate and set apart every year as a sinking fund for that purpose, instead of one fortieth, not less than one sixtieth part of the sums borrowed under that Act, and the said sinking fund as existing at the commencement of this Act, and as thereafter continued, shall be applied accordingly;

(6.) All mortgages and other securities granted under any Act repealed by this Act may be transferred as if this Act had not been passed, and the form of transfer given in the Fifth Schedule to this Act may be used for that purpose, with such variations as circumstances may require;

(7.) All rates and rents at the commencement of this Act due or accruing due to the Corporation may, from and after the commencement of this Act, be collected and recovered by the Corporation as if this Act had not been passed;

(8.) All books and documents shall be receivable in evidence as if this Act had not been passed;

and any repeal by this Act of any enactment shall not affect the past operation of the enactment repealed, or any right, title, obligation, or liability acquired or accrued thereunder before the commencement of this Act.

Saving as to offences already committed.

527. Notwithstanding the repeal of the Acts described in the Second Schedule hereto, Part I., all offences against the said Acts, or any of them, committed before the passing of this Act, and which are also offences against this Act, shall be continuing offences, and liable to the penalties imposed by this Act as though such offences had been committed since the passing of this Act: Provided that no offence committed before the passing of this Act shall be liable to a higher penalty than is provided by the Act of 1854.

Saving for general rights and remedies of Corporation.

528. Nothing in this Act shall take away or abridge any right, power, authority, privilege, exemption, or benefit which the Corporation have or may enjoy under the Municipal Corporation Acts, or otherwise, independently of this Act.

Powers of Act to be cumulative.

529. Except where otherwise herein expressly provided, all powers given by this Act shall be deemed to be in addition to and

not in derogation of any other powers conferred on the Corporation by any Act of Parliament, charter, law, or custom, and the Corporation may exercise such other powers in the same manner as if this Act had not been passed.

Saving rights of landowners on river Brun.

530. Nothing herein contained shall in anywise diminish, alter, or prejudicially affect any rights and interests of the owner of the lands adjoining the river Brun, within the borough, from the caul in that river, near to Bank Hall, and extending thence in a north-easterly direction to the extremity of the borough.

For protection of works of Leeds and Liverpool Canal.

531. Provided always, that it shall not be lawful for the Corporation to do any act, matter, or thing in, upon, or with reference to the rivers Brun and Calder whereby the canal, towing-path, embankments, aqueducts, bridges, or any other works belonging to the Company of Proprietors of the Canal Navigation from Leeds to Liverpool shall be in any manner affected or endangered.

Saving rights of Leeds and Liverpool Canal Company.

532. Nothing herein contained shall be held or construed to defeat, alter, or prejudice any rights, powers, or authorities of the Company of Proprietors of the Canal Navigation from Leeds to Liverpool.

Saving rights in river Calder of the owners of Towneley Hall and Park.

533. Nothing herein contained shall in anywise diminish, alter, or prejudicially affect the estate, property, rights, and interests of Charles Towneley, Esquire, or other the owners of the lands adjoining the river Calder, within the townships of Burnley and Habergham Eaves respectively, in, to, upon, or over the said river, from the bridge over the river Calder, near to the lodge and entrance to Towneley Hall and Park, and extending thence in a south-easterly direction to the extremity of the borough.

Saving rights of railway and canal companies.

534. Except only as is by this Act expressly provided, this Act, or anything herein contained, shall not take away, lessen, or prejudicially affect any estates, rights, interests, powers, and privileges of any railway or canal company having a railway station, office, or works within the borough.

Saving rights of Padiham Waterworks Company.

535. Nothing herein contained shall alter, prejudice, or affect any rights, powers, privileges, and authorities of the Padiham Waterworks Company.

Copies of Act as printed by Queen's printers to be kept and sold.

536. The Corporation shall cause copies of this Act, with an index to the contents thereof in each copy, to be printed by the Queen's printers, and to be at all times after the expiration of one month from the commencement of this Act kept in the office of the town clerk, open to inspection of any person on payment of a fee not exceeding one shilling, and to be at all times as aforesaid sold

A.D. 1871.

at that office to all persons applying for the same at a price not exceeding two shillings and sixpence, and if at any time the Corporation fail to comply with the requisitions of this section they shall be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding one pound for every day during which such failure continues.

Expenses of Act.

537. 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 borne by the Corporation, and shall be paid by them out of the borough fund.

SCHEDULES to which the foregoing Act refers.

THE FIRST SCHEDULE.

Position of the Corporation on the 30th day of June 1870, with respect to Incumbrances, and Sinking Fund, and Borrowing Powers.

I.—Incumbrances.

1. Due on mortgage of Corporation estates, tolls, rates, and rents under, or expressed to be under, the Act of 1854 - - - - -	£103,435 13 1
2. Due on mortgage of Corporation markets and tolls under, or expressed to be under, the Act of 1865	£60,515 19 6
3. Due on mortgage of rates from the Public Works Loan Commissioners under, or expressed to be under, Public Works (Manufacturing Districts) Act, 1863 - - - - -	£32,286 13 4

II.—Sinking Fund.

1. Sinking Fund created under the Act of 1854, and remaining unapplied - - - -	Nil.
2. Sinking Fund created under the Act of 1865, and remaining unapplied - - - -	

III.—Borrowing Powers.

There is no unexhausted borrowing power.

THE SECOND SCHEDULE.

Part I.—Acts repealed.

The Burnley Improvement Act, 1854.
The Burnley Market Act, 1865.
The Local Government Act Supplemental Act, 1865, so far as it relates to the Corporation, or to the existing borough, or the townships of Burnley and Habergham Eaves.

Part II.—Acts to cease to apply to the Borough.

The Public Health Act, 1848.
The Local Government Act, 1858.
The Local Government Act (1858) Amendment Act, 1861.
The Local Government Act Amendment Act, 1863.
Any Act continuing or amending such Acts respectively.

A.D. 1871.

THE THIRD SCHEDULE.

TOLLS FOR MARKETS AND FAIRS.

TOLLS TO BE TAKEN IN THE CATTLE AND HIDE MARKET.

AUCTIONS.

	s.	d.
For each horse, foal, pony, bull, bullock, cow, sheep, or other beast or animal offered for sale by auction, not exceeding - -	1	0

OTHER SALES.

For every stallion or entire horse - - - - -	1	0
For every other horse, foal, or pony, not exceeding - - -	0	4
For each ass or mule, not exceeding - - - -	0	2
For each bull, bullock, cow, steer, or heifer, whether tied or not, and if tied, including use of tie, not exceeding - - -	0	3
For each calf, not exceeding - - - -	0	1
For sheep, rams, lambs, or goats, hides, or skins, not exceeding per score - - - - - - - -	1	4
For each sheep, ram, lamb, or goat, hide, or skin, under a score, not exceeding - - - - - - -	0	1
For each pig - - - - - - -	0	2
And for every other animal not before named in this schedule, brought into the market or fairs for sale or show, not exceeding -	1	0
And the above tolls, according to the respective classes thereof, to be payable for the respective subjects thereof for each day in which the same are respectively placed in the market or fairs, whether for sale or not.		

TOLLS TO BE TAKEN IN THE OPEN MARKET.

FOR THE CORN, HAY, AND STRAW MARKET.

	s.	d.
For every stand or standing place occupying in space not more than 12 feet superficial measure on the ground, for the exposing to sale, by sample or otherwise, any corn, grain, seeds, flour, malt, hops, hay, straw, or other agricultural produce, for each day not exceeding - - - - - - - -	1	0
And if occupying a larger space, then for every additional superficial foot not exceeding - - - - - -	0	1
For every person being a dealer, as buyer or seller for profit, in any of the articles aforesaid, who shall attend the market or fairs, and shall buy or sell therein, or adjacent thereto, any of the articles aforesaid, and not have any stand or standing place in the market or fairs, for each day not exceeding - - - -	1	0

FOR THE MEAT MARKET.

For every butcher's stall, the size and space of which shall be in the discretion of the Corporation, for each day not exceeding -	1	0

FOR THE FISH MARKET.

	s.	d.
For every fish stall, the size and space of which shall be in the discretion of the Corporation, for each day not exceeding - -	0	6
For every pair of panniers, hampers, or other baskets or things containing fish, and measuring not more than 4 feet in length, 3½ feet in breadth, and 18 inches in depth, and occupying in space not more than 14 feet superficial measure on the ground, for each day not exceeding - - - - - - -	0	6
And if occupying a larger space, then for every additional superficial foot not exceeding - - - - - -	0	1
For every single pannier, hamper, or other basket or thing containing fish, and measuring not more than 4 feet in length, 21 inches in breadth, and 18 inches in depth, and occupying in space not more than 7 feet superficial measure on the ground, for each day not exceeding - - - - - - -	0	3
And if occupying a larger space, then for every additional superficial foot not exceeding - - - - -	0	1

FOR THE POULTRY, BUTTER, AND EGGS MARKET.

For every yard in length of bench or table room for the exposing to sale poultry, pork, butter, eggs, or other articles of provisions commonly sold in poultry markets, for each day not exceeding -	0	4
For every pair of panniers, hampers, or other baskets, pens, or things containing poultry or other articles aforesaid, and measuring not more than 4 feet in length, 3½ feet in breadth, and 18 inches in depth, and occupying a space not more than 14 feet superficial measure on the ground, for each day not exceeding - -	0	6
And if occupying a larger space, for every additional superficial foot not exceeding - - - - - - -	0	1
For every single pannier, hamper, or other basket, pen, or thing containing any of the before-mentioned articles, and measuring not more than 4 feet in length, 21 inches in breadth, and 18 inches deep, and occupying in space not more than 7 feet superficial measure on the ground, for each day not exceeding . - -	0	3
If occupying a larger space, for every additional superficial foot not exceeding - - - - - - -	0	1
For every hand-basket, hamper, or other basket or thing containing any of the articles aforesaid, and measuring not more than 2 feet in length, 15 inches in breadth, and 7 inches in depth, for each day not exceeding - - - - - -	0	1

FOR THE VEGETABLE AND FRUIT MARKET.

For every stall, the size and space of which shall be in the discretion of the Corporation, for each day not exceeding - - -	0	4
For every pair of panniers, hampers, or other baskets or things containing vegetables or fruit, and measuring not more than 4 feet in length, 3½ feet in breadth, and 18 inches in depth, and occupying		

A.D. 1871.

	s.	d.
in space not more than 14 feet superficial measure on the ground, for each day not exceeding - - - - -	0	3
If occupying a larger space, for every additional superficial foot not exceeding - - - - - - -	0	0½
For every single pannier, hamper, or other basket or thing containing vegetables or fruit, and measuring not more than 4 feet in length, 1 foot and 9 inches in breadth, and 18 inches in depth, and occupying in space not more than 7 feet superficial measure on the ground, for each day not exceeding - - - -	0	1½
If occupying a larger space, for every additional superficial foot not exceeding - - - - - - -	0	0½
For every hand-basket, hamper, or other basket or thing containing vegetables or fruit, and measuring not more than 2 feet in length, 15 inches in breadth, and 12 inches in depth, for each day not exceeding - - - - - - -	0	1
For every sack or bag (containing not more than 12 pecks Winchester measure) of potatoes, carrots, turnips, beans, peas, or other vegetables, or fruit, pitched in the market, or at any place adjacent thereto, for each day not exceeding - - - -	0	1
For every superficial foot of ground used or occupied by persons offering for sale or selling cabbage or other plants, trees, or shrubs, or for any other purpose not herein-before provided for, for any space of time not exceeding one day, any sum not exceeding -	0	1

For the General Market.

For each and every superficial foot of every stall for exposing to sale any manufactured goods, wares, or merchandise, for any space of time not exceeding one day, any sum not exceeding - -	0	1

For Places of Amusement.

For every show, caravan, exhibition, booth, tent, theatre, or place of amusement, according to the size and dimensions thereof, namely, for every superficial foot or fractional part of a superficial foot of the ground space covered by such show, caravan, exhibition, booth, tent, theatre, or place of amusement, any sum not exceeding for each day - - - - - - - -	0	1

Tolls to be taken in the Covered Market.

For the Corn Market.

	s.	d.
For every stand or standing place occupying in space not more than 12 feet superficial measure on the ground, for the exposing to sale, by sample or otherwise, any corn, grain, seeds, flour, malt, hops, or other agricultural produce, for each day n exceeding -	4	0
And if occupying a larger space, then for every additional superficial foot not exceeding - - - - - -	0	4

	s.	d.
For the Meat Market.		
For every butcher's stall, the size and space of which shall be in the discretion of the Corporation, for each day not exceeding -	4	0
For the Fish Market.		
For every fish stall, the size and space of which shall be in the discretion of the Corporation, for each day not exceeding - -	2	0
For every pair of panniers, hampers, or other baskets or things containing fish, and measuring not more than 4 feet in length, 3½ feet in breadth, and 18 inches in depth, and occupying in space not more than 14 feet superficial measure on the ground, for each day not exceeding - - - - - - -	2	0
And if occupying a larger space, then for every additional superficial foot not exceeding - - - - - -	0	4
For every single pannier, hamper, or other basket or thing containing fish, and measuring not more than 4 feet in length, 21 inches in breadth, and 18 inches in depth, and occupying in space not more than 7 feet superficial measure on the ground, for each day not exceeding - - - - - -	1	0
And if occupying a larger space, then for every additional superficial foot not exceeding - - - - - -	0	4
For the Poultry, Butter, and Eggs Market.		
For every yard in length of bench or table room for the exposing to sale poultry, butter, eggs, or other articles of provisions commonly sold in poultry markets, for each day not exceeding - -	1	4
For every pair of panniers, hampers, or other baskets, pens, or things containing poultry or other articles aforesaid, and measuring not more than 4 feet in length, 3½ feet in breadth, and 18 inches in depth, and occupying a space not more than 14 feet superficial measure on the ground, for each day not exceeding the sum of -	2	0
And if occupying a larger space, for every additional superficial foot not exceeding - - - - - - -	0	4
For every single pannier, hamper, or other basket, pen, or thing containing any of the before-mentioned articles, and measuring not more than 4 feet in length, 21 inches in breadth, and 18 inches in depth, and occupying in space not more than 7 feet superficial measure on the ground, for each day not exceeding - -	1	0
If occupying a larger space, for every additional superficial foot not exceeding - - - - - -	0	4
For every hand-basket, hamper, or other basket or thing containing any of the articles aforesaid, and measuring not more than 2 feet in length, 15 inches in breadth, and 7 inches in depth, for each day not exceeding - - - - - - -	0	4
For the Vegetable and Fruit Market.		
For every stall, the size and space of which shall be in the discretion of the Corporation, for each day not exceeding - - -	1	4

A.D. 1871.

	s.	d.
For every pair of panniers, hampers, or other baskets or things containing vegetables or fruit, and measuring not more than 4 feet in length, 3½ feet in breadth, and 18 inches in depth, and occupying in space not more than 14 feet superficial measure on the ground, for each day not exceeding - - - - -	1	0
If occupying a larger space, for every additional superficial foot not exceeding - - - - - - -	0	2
For every single pannier, hamper, or other basket or thing containing vegetables or fruit, and measuring not more than 4 feet in length, 1 foot 9 inches in breadth, and 18 inches in depth, and occupying in space not more than 7 feet superficial measure on the ground, for each day not exceeding - - - - -	0	6
If occupying a larger space, for every additional superficial foot not exceeding - - - - - - -	0	2
For every hand-basket, hamper, or other basket or thing containing vegetables or fruit, and measuring not more than 2 feet in length, 15 inches in breadth, and 12 inches in depth, for each day not exceeding - - - - - - -	0	4
For every sack or bag containing not more than 12 pecks (Winchester measure) of potatoes, carrots, turnips, beans, peas, or other vegetables, or fruit, for each day not exceeding - - -	0	4
For every superficial foot of ground used or occupied by persons offering for sale or selling cabbage or other plants, trees, or shrubs, or for any other purpose not herein-before provided for, for any space of time not exceeding one day, any sum not exceeding -	0	4

FOR THE GENERAL MARKET.

For each and every superficial foot of every stall for exposing to sale any manufactured goods, wares, or merchandise, for any space of time not exceeding one day, any sum not exceeding - -	0	4
For vaults, cellarage, and for any other purpose whatever not herein specified for which the covered market, or any part thereof, may be required or used, such sum as the Corporation may determine.		

THE EXCHANGE.

For every desk, box, stand, or station in the Exchange, for the use of one person or firm, not exceeding—

For the year - - - - - -	84	0
For the half-year - - - - - -	42	0
For the quarter - - - - - -	21	0
For a day - - - - - -	5	0

The spaces so occupied are to be in the discretion of the Corporation.

From every merchant, mealman, miller, dealer, agent, or person employed in the sale of corn or other article of merchandise or goods in the Exchange not herein otherwise provided, per day not exceeding - - - - - - -	4	0

	s.	d.
From every other person, not exceeding—		
For a year - - - - - - -	21	0
For a day - - - - - - -	0	6
For the use of the Exchange or any other building belonging to the Corporation for the publication therein or thereon of any advertisement, handbill, placard, notice, or other matter (except official notices by the inspectors of corn returns), the sums following, not exceeding—		
For a year - - - - - - -	42	0
For a half-year - - - - - - -	30	0
For a quarter - - - - - - -	20	0
The space so occupied to be fixed by the Corporation.		
For the use of the Exchange or any other building for selling land, property, goods, wares, and merchandise by auction, or exhibiting any articles for sale, or for any other purpose whatever not hereinbefore specified, not exceeding per day - - - -	63	0
For any other purpose not herein specified for which the Exchange, or any other buildings or any part thereof respectively, may be used, such sum as the Corporation may determine.		

The Slaughter-house Tolls.

For every bull, ox, cow, steer, or heifer slaughtered, not exceeding -	1	0
For every calf, and for every head of swine slaughtered, not exceeding - - - - - - -	0	6
For every sheep or lamb, not exceeding - - - -	0	3
For every sucking pig, not exceeding - - - -	0	2
For any other animal, not exceeding - - - -	1	0

The Weighing and Measuring Tolls.

For every quantity of meat or thing weighing not exceeding 20 pounds avoirdupois, not exceeding - - - -	0	0½
For every quantity of meat or thing weighing more than 20 lbs. avoirdupois and not exceeding 112 pounds, not exceeding - -	0	1
And for every 112 lbs. or fractional part of 112 lbs. over and above the first 112 lbs., not exceeding - - - - -	0	1
For every quantity of goods and things sold by measure, measuring not exceeding 1 bushel, any sum not exceeding - - -	0	0½
For every quantity more than 1 bushel and not exceeding 2 bushels, not exceeding - - - - - - -	0	1
And for every bushel or fractional part of a bushel beyond 2 bushels, not exceeding - - - - - - -	0	0½

Tolls for weighing Waggons, Carts, and Carriages.

For every waggon or other four-wheeled carriage, with the loading thereof, not exceeding - - - - - -	0	6
For every cart or other two-wheeled carriage, with the loading thereof, not exceeding - - - - - -	0	3

A.D. 1871.

THE FOURTH SCHEDULE.

Part I.

Fees to be charged for digging Graves.

	s.	*d.*
If the grave does not exceed six feet in depth, any sum not exceeding	5	0
And for every extra foot in depth any sum not exceeding - -	1	0

Part II.

Form of Grant of Right of Burial.

This indenture made the day of one thousand eight hundred and , between the mayor, aldermen, and burgesses of the Borough of Burnley, in the county of Lancaster, herein-after called the Corporation, of the first part, and of in the county of , of the second part, witnesseth, that in consideration of the sum of to the Corporation paid by the said , the Corporation, by virtue of "The Burnley Borough Improvement Act, 1871," do hereby grant unto the said the exclusive right of burial in the Burnley Cemetery for the body of , and the bodies of the relatives by blood or marriage of the said , and (with the written consent of the Corporation or their successors, but not otherwise) for the body or bodies of any other person or persons in the grave or vault, [*insert description of the ground, e.g.*] square [ ] plot [ ] and numbered [ ] on the plan of the said cemetery, and also the right of placing in and on such grave or vault plot any gravestone, headstone, tombstone, monument, palisading or other fence, subject, nevertheless, as regards all the rights hereby granted, or expressed or intended so to be, to the provisions and clauses of the said Act of Parliament, and to the byelaws, conditions, rules, regulations, and table of charges of the Corporation now existing, and from time to time hereafter to be made by the Corporation or their successors, and also especially subject to the conditions set forth in the Schedule hereto, to hold the same unto the said in perpetuity for the purposes aforesaid, only subject as aforesaid. And the said doth hereby accept the said rights hereby granted, or expressed or intended so to be, upon the terms aforesaid, and doth hereby, for self, h heirs, executors, administrators, and assigns, covenant and agree to and with the Corporation that the said , h executors, administrators, or assigns (all of whom are in the said Schedule designated as "the purchaser or owner"), shall and will well and truly fulfil, observe, pay, and perform all and every the byelaws, conditions, rules, regulations, and table of charges of the Corporation now existing, and from time to time hereafter to be made by the Corporation, as regards the said cemetery, and also especially the conditions set forth in the said Schedule. In witness whereof the Corporation have caused their common seal to be affixed, and the said party hereto of the second part has set h hand and seal, the day and year first before written.

THE SCHEDULE ABOVE REFERRED TO.

[*Insert Conditions.*]

Form of Assignment of Right of Burial.

I, *A.B.* of , in consideration of the sum of paid to me by *C.D.* of , do hereby assign unto the said *C.D.* the exclusive right of burial in [*here describe the place*], and numbered on the plan of the Burnley Cemetery, which was granted to me [*or* unto *A.B.* of] in perpetuity [*or as the case may be*] by the mayor, aldermen, and burgesses of the Borough of Burnley by a deed of grant bearing date the day of , and all my estate, title, and interest therein, to hold the same unto the said *C.D.* in perpetuity [*or, as the case may be,* for the remainder of the period for which the same was granted by the said Corporation], subject to the conditions on which I held the same immediately before the execution hereof.

Witness my hand and seal, this day of

THE FIFTH SCHEDULE.

No. 1.

Form of Order for Sewering, Paving, &c.

Burnley Borough Improvement Act, 1871.

[ ] day of [ ] 18[ ].

It is resolved and ordered by the Council of the Borough of Burnley that on or before the day of 18[ ] the following streets [*A.* Street] [*B.* Street] *be freed from obstruction, sewered, drained, levelled, flagged, paved [*or* macadamised], and otherwise completed,* at such levels, with such inclinations, and with such sewers and drains, of such dimensions as are shown on the plans and sections deposited in the office of the borough surveyor, and with the materials and in the manner herein-after specified, namely,

[*Here specify nature of materials, &c.*]

A.B.C., Town Clerk.

**If the order is for sewering, draining, and levelling only, omit the words between the asterisks * * and insert instead thereof the following, namely,* "be sewered, drained, and levelled."

No. 2.

Form of Notice for Execution of Works, &c.

Burnley Borough Improvement Act, 1871.

The Corporation of the Borough of Burnley hereby give you notice that you are ordered and required, on or before the day of 18 ,* to execute and do the works and things hereunder specified.

Dated this day of .

A.B., Borough Surveyor.

To *X.Y.* of

[*Here specify the works, &c. required.*]

**Insert here, where the nature of the notice so requires,* "not later than the hour of o'clock in the [fore]noon."

A.D. 1871.

No. 3.

Form of Notice of Intention of Corporation to execute Works, &c.

Burnley Borough Improvement Act, 1871.

The Corporation of the Borough of Burnley hereby give you notice that they intend to execute and do the works and things hereunder specified.

Dated this day of 18 .

A.B., Borough Surveyor.

To *X.Y.* of

[*Here specify the works, &c. intended.*]

No. 4.

Form of Warrant of Authority from Justice.

Burnley Borough Improvement Act, 1871.

I, *A.B.*, one of Her Majesty's Justices of the Peace for the Borough of Burnley [*or* the county of Lancaster, *as the case may be*], hereby authorise you [*here specify the act authorised*], for doing which this shall be your warrant.

Dated this day of 18 .

A.B.

To *L.M.* [Constable, *&c.*]

No. 5.

Form of Authority from Corporation.

Burnley Borough Improvement Act, 1871.

The Corporation of the Borough of Burnley hereby authorise you

[*Here specify the act authorised.*]

Dated this day of 18 .

A.B.C., Town Clerk.

To *L.M.* [Constable, *&c.*]

No. 6.

Form of Order as to Underground Dwellings.

Burnley Borough Improvement Act, 1871.

The Corporation of the Borough of Burnley hereby give you notice that they order and require that the occupation of a separate dwelling of the cellar [*or* vault, *or* underground room] hereunder specified be from the expiration of one calendar month from the service hereof on you discontinued.

Dated this day of 18 .

A.B.C., Town Clerk.

To *X.Y.* of

[*Here specify cellar, &c.*]

No. 7.

FORM OF DECLARATION OF HIGHWAY.

Burnley Borough Improvement Act, 1871.

day of 18 .

It is resolved and declared by the Council of the Borough of Burnley that the following street,namely, [*A.* Street] is a public highway.

A.B.C., Town Clerk.

No. 8.

FORM OF RATE BOOK.

An Assessment to the Borough Rate under the Burnley Borough Improvement Act, 1871, for the Borough of Burnley in the county of Lancaster, made the day of 18 .

Number on the rate.	Name of the person rated.	Name of the owner of the property.	Description of property.	Situation of property.	Rent or annual value.	Amount of rate at in the pound.

Signed by me this day of 18 .

A.B.C., Town Clerk.

No. 9.

FORM OF NOTICE OF RATE.

Burnley Borough Improvement Act, 1871.

The Corporation of the Borough of Burnley hereby give notice that a borough rate has this day been made, and that the book in which the same is written is deposited in the [ ] Office at the Town Hall.

Dated this day of 18 .

A.B.C., Town Clerk.

FORM OF WARRANT OF DISTRESS FOR RECOVERY OF GAS AND WATER RENTS, BOROUGH RATES, &c.

Borough of Burnley (to wit):

To the Mayor, Aldermen, and Burgesses of the Borough of Burnley in the County Palatine of Lancaster [and to their collectors of gas rents, *or* water rents, *or* borough rates, *as the case may be*], and to the constables of the said borough.

These are in Her Majesty's name to command you to levy the sum of by distress of the goods and chattels of *A.B.* of , being the amount [which includes *or* being the balance remaining unpaid of the amount, *or* being the agreed instalment due of the amount, *as the case may be*] of water rents [*or* borough rate, lamp rate, *or* cemetery rate, *or as the case may be*] accrued due from him to the said mayor, aldermen, and burgesses up to the day of , and if the same is not paid within

A.D. 1871.

the space of days next after such distress by you taken, together with the reasonable charges of taking and keeping the same, that then you do sell the goods and chattels by you distrained, and out of the money arising from such sale that you do detain the said sum, and also your reasonable charges of taking, keeping, and selling the said distress, rendering to the said *A.B.* the overplus on demand; and if sufficient distress cannot be found of the goods and chattels of the said *A.B.* whereon to levy the said sum, that then you do certify the same to me, together with this warrant, to the end that such further proceedings may be had thereon as to the law doth appertain.

Given under my hand and seal the day of one thousand eight hundred and .

Form of Mortgage.

Burnley Borough Improvement Act, 1871.

Mortgage, No. pounds.

By virtue of the above-mentioned Act, the mayor, aldermen, and burgesses of the Borough of Burnley, in consideration of pounds paid to them by *A.B.* of , grant to him, his executors, administrators, and assigns, the corporate estates and borough fund of the borough, to hold until the said sum of pounds be repaid to him or them, with interest at the yearly rate of pounds in the hundred, by equal half-yearly payments on the day of and the day of in every year from the day of the date hereof, the principal to be repaid on the day of , if either party shall give six calendar months previous notice, and in default of notice then the same to be repaid after the said at the end of six calendar months notice by either party, and all payments to be made at the office in Burnley of the treasurer of that borough.

Given under the seal of the mayor, aldermen, and burgesses, this day of one thousand eight hundred and .

Form of Transfer on Mortgage.

Burnley Borough Improvement Act, 1871.

I, *A.B.* of , in consideration of pounds paid to me by *C.D.* of , transfer to him, his executors, administrators, and assigns, the Mortgage, No. of the corporate estates and borough fund of the Borough of Burnley, for pounds, and interest at the yearly rate of pounds in the hundred, granted on the day of by the mayor, aldermen, and burgesses of that borough [*or if the transfer be by endorsement*, the within-written security], and all my right and interest in and under the same.

As witness my hand and seal this day of one thousand eight hundred and .

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1871.