CHAPTER ccxxiv.

An Act for conferring upon the Local Board for the district of Chadderton in the county of Lancaster powers for the acquisition of lands and the construction of works and for extending and defining the powers of the Local Board in relation to streets buildings and the improvement and good government of the district and for other purposes. A.D. 1882.

[18th August 1882.]

WHEREAS the Local Board for the district of Chadderton in the county of Lancaster (herein-after called the Board) is the urban sanitary authority for that district (herein-after called the district) under the Public Health Act 1875 and the district consists of and is co-extensive with the township of Chadderton in the parish of Prestwich-cum-Oldham in the county of Lancaster: 38 & 39 Vict. c. 55.

And whereas the population of the district has of late years greatly increased and is still increasing:

And whereas it is expedient that the Board be empowered to make the street improvements by this Act authorised:

And whereas it is expedient that the Board be authorised to enlarge the Town Hall and to provide and maintain such offices and other conveniences in connexion therewith as they may from time to time consider necessary:

And whereas it is expedient that the powers of the Board be in various respects defined and extended and that further and better provisions be made for the regulation of streets and the control of buildings in the district and respecting sanitary arrangements and other matters of local government and for the improvement and good order of the district:

And whereas it is expedient that such further provisions be made with respect to the Board and the district as are in this Act contained:

And whereas estimates have been prepared by the Board for the purchase of land and for the execution of the works and for other

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the purposes by this Act authorised and the estimates are as follows (that is to say)—

	£
For street improvements - - - -	3,000
For sewers sewage and night soil works - -	30,000
For the enlargement of the Town Hall and offices	1,500
For private street improvements and works -	30,000

And whereas the several works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875:

And whereas it is expedient that the Board be authorised to raise money for the purposes of this Act in the manner by this Act provided:

And whereas an absolute majority of the whole number of the Board at a meeting held on the twenty-eighth day of November one thousand eight hundred and eighty-one after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the Oldham Chronicle a local newspaper published or circulated in the district (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate:

And whereas such resolution was published twice in the Oldham Evening Chronicle a local newspaper published or circulated in the district and in respect of matters under the jurisdiction of the Local Government Board has received the approval of that Board and in respect of other matters the approval of one of Her Majesty's Secretaries of State:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Board at a further special meeting held in pursuance of a similar notice on the nineteenth day of January being not less than fourteen days after the deposit of the Bill in Parliament:

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans showing the lands to be purchased compulsorily under the powers of this Act and also books of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the county

of Lancaster and are herein-after respectively referred to as the deposited plans sections and books of reference:

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

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

Part I.—Preliminary.

Short title.

1. This Act may be cited as the Chadderton Improvement Act 1882.

Incorporation of Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 except section 127 of the Lands Clauses Consolidation Act 1845 as far as they are applicable for the purposes of and are not varied by or inconsistent with this Act are incorporated with and form part of this Act and in the construction of those Acts for the purposes of this Act the terms "the promoters of the undertaking" "the undertakers" and "the company" respectively mean the Board.

Interpretation of terms.

3. In this Act—

"The district" means the district of the Local Board of Chadderton;

"The Board" means the Local Board for the district of Chadderton;

"The clerk" "the treasurer" "the surveyor" "the medical officer of health" and "the inspector of nuisances" respectively mean the clerk to the Board, the treasurer, the surveyor, the medical officer of health and the inspector of nuisances of the district;

"District fund" and "general district rates" mean respectively the district fund and general district rates of the district;

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

"Daily penalty" means a penalty to accrue for each day any offence shall continue after conviction thereon;

"Summary Jurisdiction Acts" means the Summary Jurisdiction Act 1848 and the Summary Jurisdiction Act 1879 and any Act amending either of those Acts; 11 & 12 Vict. c. 43. 42 & 43 Vict. c. 49.

"Court of summary jurisdiction" means any justice or justices of the peace stipendiary or other magistrate or officer by whatever name called to whom jurisdiction is given by or who

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is or are authorised to act under the Summary Jurisdiction Acts or any of such Acts;

"Street" "owner" and "rackrent" have the same respective meanings as in the Public Health Act 1875.

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

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

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

Limits of Act.

4. This Act (except where otherwise expressed or implied) shall apply exclusively to the district.

Act to be executed by the Board.

5. This Act shall be carried into execution by the Board acting as a sanitary authority and with all the rights powers privileges exemptions and authorities of a sanitary authority conferred by the Public Health Acts on the Board and the officers agents and servants of the Board with respect to matters provided for by or comprised in the Public Health Acts and (subject to the provisions of this Act) as nearly as may be in all respects as if the powers duties exemptions and property vested in imposed on or enjoyed by the Board by or under this Act were vested in imposed on or enjoyed by them under the Public Health Acts.

Part II.—Lands.

Power to take lands.

6. Subject to the provisions of this Act the Board may from time to time enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited books of reference which are required for the purposes of this Act.

Owners &c. may be required to sell parts of premises.

7. And whereas in the construction of the street improvements by this Act authorised it may happen that portions only of certain of the lands and buildings shown on the deposited plans may be sufficient for the purposes of the same and that such portions may

be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the lands and buildings described in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may (if such portions can in the judgment of the jury arbitrators or other authority assessing or determining the compensation under that Act be severed from such properties without material detriment thereto) be required to sell and convey to the Board the portions only of the premises so required without the Board being obliged or compellable to purchase the whole or any greater portion thereof the Board paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

Correction of errors in deposited plans and books of reference.

8. If any omission misstatement or erroneous description is found to have been made of any lands or of any owners lessees or occupiers of any lands described or intended to be described in the deposited plans or books of reference the Board may apply to two justices for the correction thereof after giving ten days notice to the owners lessees and occupiers of the lands affected by the proposed correction and if it appear to the justices that the omission misstatement or erroneous description arose from mistake they shall certify the same accordingly stating the particulars of the omission misstatement or erroneous description and such certificate shall be deposited with the clerk of the peace for the county of Lancaster and shall be kept by him with the other documents to which it relates and subject and according to the same enactments and provisions as apply to those other documents and thereupon the deposited plans or books of reference (as the case requires) shall be deemed to be corrected according to the certificate and the Board may enter on take and use the lands and execute the works in accordance with such certificate.

Limitation of time for compulsory purchase.

9. The powers of the Board for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years after the passing of this Act.

Power to take easements &c. by agreement.

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

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such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to acquire additional lands by agreement.

11. The Board may (in addition to the lands they are authorised to acquire and hold by the other powers of this Act) from time to time for all or any of the purposes of this Act by agreement acquire any land not exceeding in the whole five acres or any easement right power or privilege therein thereunder thereover or thereupon (not being an easement or privilege of water) which may be deemed necessary by the Board and may appropriate the same for all or any of the purposes of this Act.

Consideration for acquisition of lands.

12. The consideration for any acquisition of lands easements rights or privileges under this Act may by agreement be either money or land or any yearly sum or rentcharge or other rent or a mixed consideration of money and land and on any exchange the Board may give or take any money for equality of exchange.

Board to give notice before taking dwellings of labouring classes.

13. The Board shall not less than eight weeks before they take fifteen houses or more occupied either in whole or in part by persons belonging to the labouring classes as tenants or lodgers make known their intention to take the same by placards handbills or other general notice placed in public view upon or within a reasonable distance from such houses and the Board shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Board have in manner required by this section made known their intention to take the same.

Board to provide accommodation for persons of the labouring classes to be displaced.

14. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of any house which the Board are by this Act authorised to acquire the Board shall (unless the Board and such person or persons otherwise agree) provide sufficient accommodation elsewhere for such person or persons and they may contribute towards the cost or expenses of erecting or providing houses or buildings for such accommodation by any company body or person Provided always that if any question arises as to the sufficiency of such accommodation the same shall be determined by a justice and the Board may apply for the purposes of this section any moneys they may have already raised or which they are empowered to raise under the authority of this Act and which are not required for the purposes for which they were raised.

PART III.—STREET IMPROVEMENTS.

Street improvements.

15. Subject to the provisions of this Act the Board may if they think fit upon the lands shown in that behalf upon the deposited plans and in accordance with those plans and the deposited sections make and maintain the following street improvements or one of them or some part or parts thereof respectively situate in the township of Chadderton in the parish of Prestwich-cum-Oldham in the county of Lancaster (that is to say):

(1.) A widening of the road called or known as Wash Brook on the north-westerly side thereof commencing at or near the bridge which carries the Lancashire and Yorkshire Railway over that road and terminating at a point measured along that road in a south-westerly direction 94 yards or thereabouts from the said railway bridge.

(2.) A widening of the road called or known as Cow Hill on the southern side thereof commencing at or near a point 34 yards or thereabouts eastward of the southern end of Walsh Street at or near a house in the occupation of James Wild and terminating at a point measured along the said Cow Hill in a westerly direction 107 yards or thereabouts from the point of commencement.

(3.) A widening of the said road called or known as Cow Hill on the northern side thereof commencing at or near the junction of Walsh Street with Cow Hill and terminating at a point measured along the said Cow Hill in a westerly direction 64 yards or thereabouts from the point of commencement.

(4.) A widening of Walsh Street on the eastern side thereof commencing at the junction of that street with Cow Hill and terminating at a point measured in a northerly direction 13 yards or thereabouts from the point of commencement.

Power to make subsidiary works.

16. Subject to the provisions of this Act and within the limits defined on the deposited plans the Board in connexion with the street improvements by this Act authorised or any of them and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the said street improvements or any of them.

Power to deviate vertically or laterally.

17. In making the said street improvements the Board may deviate vertically to any extent not exceeding three feet from the levels defined on the deposited sections and may deviate laterally to any extent within the limits of deviation defined on the deposited plans.

Period for completion of street

18. If the street improvements authorised by this Act are not completed within seven years from the passing of this Act then on

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improvements.

the expiration of that period the powers by this Act granted to the Board for executing the same or in relation thereto shall cease to be exercised except as to any part thereof then completed.

Part IV.—Sewage.

Sewage lands.

19. The Board after taking the lands described in the Second Schedule to this Act or any part thereof may use the same but not any other lands acquired under this Act for the treatment of sewage and in relation thereto they may exercise all the powers conferred by the Public Health Acts upon urban sanitary authorities with reference to receiving storing disinfecting and disposing of sewage.

Patent rights as to dealing with sewage.

20. The Board may from time to time contract for take and use any leave license or authority (not being exclusive) to work use or exercise or put in practice any invention under any letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the utilisation treatment dealing with and disposing of sewage excreta and refuse and may enter into and carry into effect agreements and arrangements in relation to any such disposal or dealing respectively.

For the protection of C. J. Radclyffe.

21. The following provisions for the protection and benefit of Charles James Radclyffe or other the owner or owners for the time being of Foxdenton estate (all of whom are referred to in this section as "the owner") shall have effect that is to say—

(1.) The Board shall not enter upon or take any of the sewage lands described in the Second Schedule to this Act unless and until they have made and formed a road twelve yards wide from Foxdenton Lane to such sewage lands on the eastern side of and parallel with Hyde Road and between a point two hundred and fifty and three hundred feet from that road in such position as the owner may select and the owner shall at the request of the Board convey to the Board without any payment or consideration for such land the necessary land for such road and such road shall be legally dedicated to the public and ever afterwards maintained by the Board as a highway repairable by the inhabitants at large.

(2.) Any main outfall sewer constructed by the Board westward of Foxdenton Hall from Foxdenton Lane to the sewage lands shall be made under the said last-mentioned road and no other sewer westward of Foxdenton Hall from Foxdenton Lane to the sewage lands shall be laid across the land of the owner except with his consent.

(3.) The Board shall within two years from the acquisition of the said sewage lands or any part thereof erect to the reasonable

satisfaction of the owner a substantial stone or brick wall not less than five feet high all round such lands except at such necessary openings where proper close gates shall be erected.

(4.) The mines and minerals under the lands by this section required to be conveyed to the Board and under the lands described in the Second Schedule to this Act or under any other lands and roads to be conveyed to the Board by the owner shall be excepted from the conveyance thereof with power for the owner and his lessees to search for win work and get the same and the adjacent mines as if this Act had not been passed but as regards the land so to be conveyed to the Board by underground works only and nothing in this Act contained shall authorise the Board to enter upon and take any mines or minerals under any other lands of the owner except with his consent.

Part V.—Town Hall and Offices.

Power to enlarge fit up &c. Town Hall.

22. The Board may on the lands described in the Third Schedule to this Act which have been or which may hereafter be acquired by them for that purpose extend and enlarge the Town Hall and erect such offices and conveniences as they think fit and may from time to time repair alter enlarge and improve the same as they may think fit and the Board may at their discretion allow the use of such Town Hall and offices on such terms and conditions as they may from time to time think proper.

Part VI.—Provision as to Streets Buildings Plans and Sanitary Matters.

Crossings for horses or vehicles over footways

23. Every person desirous of forming a communication for horses or vehicles across any flagged footpath so as to afford access to any premises from a street shall first give notice in writing of such desire to the Board and shall if so required by them submit to them for their reasonable approval a plan of the proposed communication showing where it will cut the footpath and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and shall execute the works at his own expense under the supervision and to the reasonable satisfaction of the surveyor and in case such plan shall have been required then in accordance with the plan so approved and not otherwise and if any person drives or permits or causes to be driven any horse or vehicle across any flagged footway unless and until such a communication as aforesaid has been so made he shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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Cool shoots &c.

24. No coal shoots area or cellar grating or opening shall be hereafter placed in any street except with the consent of the Board and then only if formed of the materials and size and in the manner and in such position and with such protection as may be approved by the Board.

Deposit of building materials &c.

25. When any person shall deposit any building materials rubbish or other things in any street he shall if so required by the surveyor deposit the same only in such place or places as the surveyor shall approve and any person offending against this enactment shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

What to be deemed new buildings.

26. From and after the passing and for the purposes of this Act—

The erecting of any building;

The re-erecting wholly or partially on the same site of any building of which an outer wall is pulled down to within 10 feet of the surface of the adjoining ground and any framed building pulled down to the framework of the ground floor story thereof;

The converting of any building not originally constructed for human habitation into a dwelling-house;

The converting of any building originally constructed as one dwelling-house into more than one; and

The making of any addition to an existing building by raising any part thereof or by making any projection therefrom but so far as regards such addition only;

shall be deemed the erecting of a new building.

Buildings abutting on streets.

27. For the purpose of this Act buildings and lands shall be deemed to be in a street when they abut upon a street or when they have an access covered or uncovered to a street or when only some forecourt yard garden or strip of waste or unoccupied ground open to the passage of the public intervenes between any such buildings or lands and a street.

Minimum size of new dwellings.

28. Every new dwelling-house erected after the passing of this Act shall have as its site a space of not less than sixty-four superficial square yards inclusive of the yard and appurtenances belonging thereto.

Wooden buildings to be removed.

29. From and after the passing of this Act no new wooden building shall be erected without the previous consent of the Board and the Board may order any wooden building existing at the passing of this Act the continuance of which will cause danger to adjoining buildings to be removed within two years from the making of the said order and if any such new wooden building be erected without

such consent or any such existing wooden building be not so removed the owner and occupier thereof shall in each case be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds but with respect to any existing wooden building required to be removed by the Board under this section the Board shall make compensation in accordance with section 308 of the Public Health Act 1875.

Houses not to be inhabited until certificate of completion given by the Board.

30. Every owner of a new building shall before the same shall be inhabited give to the Board or the surveyor a notice in writing that the said building and its appurtenances and the paving of the yard and the drainage and the ventilation of such building are completed and that the drains thereof are sufficiently trapped according to the provisions of the several Acts of Parliament and the byelaws for the time being in force in the district and a demand that the same may be inspected within fourteen days from the service of such notice and no owner of a new building shall occupy or allow the same to be occupied if he shall have received from the surveyor within fourteen days after the service of such notice a notice in writing that such new building is not completed or sufficiently ventilated and fit for habitation or that the drainage thereof is not completed and the drains not sufficiently trapped (the notice to state in what particulars the building or the drainage is defective) and any owner who shall occupy or allow such new building to be occupied and any person who shall wilfully occupy the same after such last-mentioned notice has been given shall be liable to a penalty not exceeding five pounds and a further penalty not exceeding forty shillings for every day during which such building shall be inhabited until the defects specified in his notice have been remedied.

Prevention of lock-up shops being used for habitation.

31. Where in the plan of a building submitted to and approved by the Board a building is described as a lock-up shop workshop shed or place of business the use thereof or of any part thereof for the purposes of habitation by any person other than a caretaker shall be an offence against this Act and shall be deemed to have been committed on the day when the user thereof is first detected Every person wilfully so using the same or knowingly permitting the same to be so used shall be liable to a penalty not exceeding twenty pounds and also to a daily penalty not exceeding five pounds Any justice of the peace may from time to time by warrant under his hand authorise the surveyor medical officer of health or any sanitary officer to enter at any time into and examine any building suspected of being so used If any person obstructs the surveyor or such officer so authorised in his entry or examination he shall be liable to a penalty not exceeding five pounds.

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Space not to be built upon.

32. Whenever any open space has been left belonging to any new building such space shall never afterwards be covered in or over or diminished to a clear superficial area less than that required by any enactment or byelaw for the time being in force within the district in reference to buildings.

Height of chimneys.

33. With respect to chimneys (including in that expression flues and other provisions for the conducting or escape of smoke) of whatever material constructed the following previsions shall have effect (that is to say):—

(1.) Every chimney intended to be used or in fact used in connexion with the furnace of a fixed steam engine or boiler or in connexion with any trade or business but not constructed for such purpose and every such chimney which if originally constructed for such purpose is intended to have or in fact has connected therewith additional or enlarged fires or furnaces beyond what it was originally constructed for shall be deemed a chimney of a new building and shall be subject to the consent and approval of the Board who may order the same to be raised altered or reconstructed by the owner thereof as they shall deem requisite having regard to the extended user thereof.

(2.) All steam ejected from any fixed steam engine or the boiler thereof situate in or near to a street and all spent steam or ejected steam arising or produced in any trade or business carried on in any buildings so situate shall be so discharged as not to be an annoyance to the public or to the inmates of adjacent houses or buildings.

(3.) Any person who shall offend against any provisions of this section shall be liable (without prejudice to the exercise of any other powers of the Board with reference to such offence) to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

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

34. In addition to all powers vested in the Board the Board may if the surveyor shall report in writing to the Board that any dwelling-house is not provided with a sufficient sink or drain or other necessary appliances for carrying off refuse water from such dwelling-house by notice under the hand of the clerk for the time being require the owner of such dwelling-house in the manner and within the time to be specified in such notice to provide such sink drain or other appliances If any such owner shall neglect to comply with such notice within the time therein appointed he shall be liable for

every such offence to a penalty not exceeding five pounds and to a daily penalty of twenty shillings.

Prevention of nuisances.

35. If any middenstead or ash-place urinal privy or water-closet within the district used in common by the inmates of any premises used as a separate dwelling and also by any other persons or the approaches to or the walls floors seats or fittings on any such middenstead ash-place privy or water-closet or any of them is or are in the opinion of the Board or their surveyor medical officer of health or inspector of nuisances in such a state or condition as to be a nuisance for want of proper cleansing thereof the persons having the use thereof in common as aforesaid shall severally be liable to pay a penalty not exceeding ten shillings each and a daily penalty not exceeding five shillings each for every day during which the same shall remain in such state or condition.

Buildings unfit for human habitation.

36. In any case where it is certified to the Board by the medical officer of health or by any two medical practitioners that any building or part of a building is unfit for human habitation the Board may cause a notice of such certificate to be served upon the owner or occupier of such building and appoint a time for him to appear and answer the same before them and upon such appearance or in default of such appearance the Board may by their order affixed conspicuously on the building or part of the building declare that the same is not fit for human habitation and direct that it shall not after a date therein to be specified be inhabited and any person who after the date or time mentioned in such order lets or occupies or continues to let or occupy or knowingly suffers to be occupied such building or part of a building shall be liable for every such offence to a penalty of twenty shillings for every day during which the same may be so let or occupied Provided always that if at any time after the making of such order the Board shall be satisfied that such house has become or been rendered fit for human habitation they may revoke their said order and the same shall thenceforward cease to operate.

As to sanitary pans.

37. The Board may if they think fit authorise or require the use of a sanitary pan or pan-closet or ash-tub in any case in which they are authorised to require the use of a privy water-closet or ash-pit and they may prescribe the size and materials of which such pans or tubs shall be constructed and the times of removals and replacing the same and the provisions of this Act and the Public Health Act 1875 with respect to the providing of privies water-closets earth-closets or ash-pits shall apply mutatis mutandis in the case of sanitary pans or pan-closets or ash-tubs the use of which may be required by the Board.

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Power to order closets &c. to be provided.

38. If at any time it appear to the Board on the report of the medical officer the inspector of nuisances or the surveyor that any building whether built or rebuilt before or after the passing of this Act is without a sufficient privy pan-closet water-closet earth-closet ash-pit or ash-tub or other like accommodation which the Board have approved the Board may give notice in writing to the owner or occupier of such building requiring him within such time as shall be specified in such notice to provide such privy pan-closet water-closet earth-closet ash-pit ash-tub or other like accommodation which they have approved as they shall think fit and if any such owner or occupier makes default in complying with such requirement within the time specified in such notice he shall be liable to a penalty not exceeding forty shillings and to a like penalty not exceeding forty shillings for every day or part of a day during which default continues Provided always that where in the opinion of the Board a privy pan-closet water-closet earth-closet or ash-tub or other like accommodation as aforesaid may be used in common by the inmates of two or more buildings the Board may if they think fit dispense with the providing of a separate privy pan-closet water-closet ash-pit or ash-tub or other like accommodation as aforesaid for each building Any notice under this section may either be a separate notice or may be included in or form part of a notice requiring the filling up or removal of a privy cesspool or ash-pit.

Power to supply houses or courts with privies &c.

39. The Board for the purpose of supplying a court or place with a privy water-closet earth-closet pan-closet sanitary pan ash-pit ash-tub or other sanitary accommodation may from time to time take by agreement any building and remove the same and execute all consequent structural and other works and the owner or owners of such houses in the court or place benefited thereby shall be liable to pay the expenses incurred by the Board in the execution of this section and the amount thereof shall be apportioned among those owners by the surveyor in proportion to the rateable value of the property held by them in such court or place and the amount apportioned to each owner shall be payable by and recoverable from him Provided that if any owner feels himself aggrieved as regards either the amount of such expenses or the apportionment thereof he may appeal to a court of summary jurisdiction.

Waste water pipes to be disconnected from sewers.

40. Every pipe for carrying away waste water from any building whether erected before or after the passing of this Act shall where practicable be carried through the external wall of such building and be constructed so as to discharge in the open air outside such building over a channel leading into a drain or sewer and every such

drain or sewer shall be trapped in a manner to be approved by the Board and every person who offends against this enactment shall for every such offence be liable to a penalty not exceeding twenty shillings and to a further penalty not exceeding ten shillings for every day during which the offence continues Provided always that with respect to a building erected before the passing of this Act the above penalties shall not be enforced unless default has been made for fourteen days in complying with a notice from the Board requiring the owner or occupier of such building to comply with the provisions of this section.

Provision as to railway and canal companies.

41. The foregoing provisions contained in Part VI. of this Act shall not extend or apply to any land or building not used or occupied exclusively as a dwelling-house belonging to or occupied by a railway or canal company and used or intended to be used for the purposes of their business as a railway or canal company or to any buildings (not being a dwelling-house) erected or intended to be erected in connexion with any mine and used or intended to be used exclusively for the working of such mine.

Part VII.—Cesspools.

Provisions as to filling up cesspools, &c.

42. If it shall appear to the Board by the report of the surveyor or the inspector of nuisances that any cesspool privy or midden used at the passing of this Act as a receptacle for excreta or fæces or for the whole or any part of the drainage of any house or part of a house within the district or any ash-pit belonging to any such house or part of a house is prejudicial to health or otherwise objectionable for sanitary reasons and that it is desirable that the same should be filled up or removed or so altered as to remove any such objection as aforesaid the Board may if they think fit by written notice require the owner or occupier of such house or part of a house within a reasonable time to be specified in such notice to cause such cesspool privy midden or ash-pit to be filled up or removed and any drain communicating with such cesspool to be effectually disconnected destroyed and taken away.

Other accommodation to be provided.

43. If by reason of the filling up or removal of any cesspool privy or midden or the removal of any ash-pit under the foregoing enactment any house or part of a house within the district would cease to be provided with sufficient water-closet or privy accommodation or with a proper ash-pit or ash-place the Board may by the same or another similar notice require the owner or occupier of such house or part of a house within a reasonable time and in the manner therein specified to provide sufficient water-closet or privy

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accommodation and a proper ash-pit or ash-place or either of them as the case may require If any such notice as is mentioned in this and the preceding section is not complied with or is not fully complied with the Board may at the expiration of the time specified in the notice do any work thereby required to be done which has not been done by the owner or occupier and may recover in a summary manner from the owner or if there be more than one owner from the owners in such shares and proportions as shall be apportioned and determined by the surveyor the expenses incurred by them in so doing or may by order declare the same to be private improvement expenses when the same shall be a charge upon the premises in respect of which the work has been done and may be recovered from the owner or owners for the time being of the said premises as and when any instalment of such expenses shall become due and payable under such order together with interest on the amount for the time being remaining due and owing not exceeding five pounds per centum per annum.

Part VIII.—Provisions as to Infectious Diseases.

Board may provide temporary accommodation during disinfection of dwellings.

44. The Board may from time to time provide temporary shelter or house accommodation for the members of any family in which any infectious disease has appeared and who have been compelled to leave their dwellings for the purpose of enabling such dwellings to be disinfected.

Board may provide nurses &c.

45. The Board may provide or contract with any person or persons to provide nurses for attendance upon persons suffering from infectious disease within the district and may charge a reasonable sum for the service of any nurse provided by them.

Notice to be given of persons suffering from certain diseases.

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

(1.) If any such inmate be suffering from any infectious disease the occupier or the person having the charge management or control of such building (or if such occupier or person be prevented by reason of such disease then the person in charge of such inmate) shall so soon as he shall become aware of the existence in any such inmate of any such disease forthwith give notice thereof to the medical officer of health at his office.

(2.) If such inmate be not a member of the family of such occupier or person the head of the family (resident in such building) to which such inmate belongs or if there be no such head or

if such head be prevented by illness then such inmate (unless prevented by reason of such disease or of youth) shall on becoming aware of the existence in such inmate or in his own person as the case may be of such disease forthwith give notice thereof to such occupier or person.

(3.) The Board shall provide and supply gratuitously to every registered medical practitioner resident or practising in the district who shall apply for the same forms for the certificate or declaration to be made by such medical practitioner of the particulars herein-after mentioned in relation to such cases according to the form set forth in the Fourth Schedule to this Act.

(4.) Every medical practitioner attending on or called in to visit such inmate shall on becoming aware that such inmate is suffering from any infectious disease forthwith fill up sign and deliver or send to the medical officer of health at his office a certificate or declaration stating according to the form so prescribed the name of such inmate the situation of such building the name of such occupier or person and the nature of the infectious disease from which in the opinion of such medical practitioner such inmate is suffering.

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

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

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

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

(1.) Any such order of the Board may be permanent or temporary only and if temporary the period during which it is to continue in force shall be specified therein And the Board shall give public notice of the order by publishing the same by advertisement in two of the local newspapers circulating in the district and after such public notice has been given the provisions of

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this Act shall so long as the order continues in force apply to the disease specified therein in like manner in all respects as if the disease were an infectious disease specifically mentioned in this Act;

(2.) The production of the newspapers containing a copy of the order shall be conclusive evidence that public notice of the order has been so given;

(3.) The Board shall immediately after any such order shall have been made send a copy thereof to each registered medical practitioner residing in the district but the omission to send any such copy shall not affect the validity of such order.

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

48. Whenever it shall be certified to the Board by the medical officer of health or other legally qualified medical practitioner that the spread of infectious disease is in the opinion of such medical officer of health or medical practitioner attributable to the milk supplied by any cowkeeper purveyor of milk or occupier of a dairy milkstore or milkshop the Board may require such cowkeeper purveyor of milk or occupier to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the district and such cowkeeper purveyor of milk or occupier shall furnish such list accordingly and the Board shall pay to him for every such list after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed two shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Further powers in relation to disinfection of premises.

49. Where the Board are of opinion on the certificate of the medical officer of health or of any other legally qualified medical practitioner that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to communicate any infectious disease or to retain infection would tend to prevent or to check infectious disease and that such cleansing and disinfection would more effectually be carried out by the Board than by the owner or occupier of such house or part thereof the Board without requiring such owner or occupier to carry out such cleansing and disinfecting as aforesaid may if they think fit at their own cost themselves cleanse and disinfect such house or part thereof and articles and may for that purpose remove any such articles and shall make compensation to such owners or occupiers for all property or articles destroyed or injured by the exercise of the provisions of this section and any person who shall obstruct any duly authorised officer of the Board in carrying out the provisions of this section

shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. A.D. 1882.

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

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

Prohibiting the retention of dead bodies in certain cases.

51. No person shall without the sanction in writing of the medical officer of health or of a registered medical practitioner retain unburied elsewhere than in a mortuary for more than forty-eight hours the dead body of any person who has died of any infectious disease and any person offending against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

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

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

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

53. Where the dead body of any person who has died of any infectious disease remains unburied elsewhere than in a mortuary for more than forty-eight hours after death without the sanction of the medical officer of health or of a registered medical practitioner or is retained in a room in which persons live or sleep or where the

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

Corpses not to be carried in public conveyances.

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

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

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

Penalties only recoverable by Board.

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

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

57. Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Act 1878 or of any order license or act of Her Majesty's Privy Council made granted or done or to be made granted or done thereunder or of any order regulation license or act of a local authority made granted or done or to be made granted or done under any such order of the Privy Council or exempt the dairies milkstores or milkshops to

which this Act relates or any building or thing whatsoever or any body or person from the provisions of any general Act relating to dairies milk or animals already passed or to be passed in this or any future session of Parliament.

Part IX.—Smoke.

Penalties for non-consumption of smoke.

58. For the prevention of smoke the following provisions shall have effect (that is to say):

(1.) If any fireplace or furnace employed after the passing of this Act in the working of engines by steam 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 passing 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 he 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 Board 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 building or lands on which they are situate and the several engineers firemen stokers foremen or other person 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 may 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 Board 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.

(5.) The words "consume or burn its own smoke" shall nevertheless not be held in all cases to mean consume or burn all its own smoke and the justice before whom the case is brought

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may abstain from imposing any penalty if he is of opinion as to any such engine or furnace that it has been so constructed or altered as to consume or burn as far as possible all the smoke arising therefrom and that the same has been carefully attended to and that the smoke arising therefrom has been consumed or burnt as far as practicable.

(6.) The foregoing provisions of this section shall not apply to or include any locomotive engine used or constructed for use on a railway or to any steamboat used on a canal nor shall this section be construed to interfere with or to obstruct the efficient working of any mines.

Part X.—Execution of Works &c. and Private Improvement Expenses.

What to be deemed private improvement expenses.

59. In this Act the expression "private improvement expenses" shall mean and include all private improvement expenses expressly so called and all other expenses at any time incurred by the Board for the repayment whereof the owner or occupier of the building or lands in respect whereof such expenses may have been or may be incurred is liable under any enactment or byelaw or under any agreement of the Board with such owner or occupier or by reason of any application of such owner or occupier to the Board.

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

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

Recovery of private improvement expenses.

61. If any private improvement expenses payable by any owner be not paid on demand the Board may if they think fit in addition to any other power they may have for the recovery thereof recover the same either as a debt from such owner in any court of competent jurisdiction or by distress and sale of the goods and chattels of such owner after duly summoning such owner and any justice may issue his warrant accordingly.

Private improvement expenses to

62. All private improvement expenses notwithstanding that any rate shall have been made for the payment thereof shall also be a charge

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on the building or lands to which the same relate in priority to any incumbrance or charge on or affecting the same created subsequently to the day on which the Board shall commence the works on account of which those expenses shall be payable and the Board shall have the like rights and remedies in respect of such charges as if they were mortgagees with power of sale of such building or lands for the amount of such charge.

be a charge on lands as if mortgaged.

Power to enter into possession &c. where owner fails to pay his private improvement expenses.

63. If the owner of any building or lands so charged with any private improvement expenses fails for the space of six months after the same become recoverable from him to fully pay the same or if any such owner is or becomes bankrupt or is after diligent inquiry unknown to the Board or cannot be found by them then and in every such case and as often as the same happens the Board (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 on such owner or in the case where such owner is unknown or cannot be found after the expiration of one month from the affixing of a notice on some conspicuous part of the said building or land of their intention to put in force the powers of the present section proceed as follows (namely) :—

(1.) The Board may enter into receipt of and demand and receive from tenants and occupiers and persons liable the rents and profits of such building or lands and in case of nonpayment may use all or any 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 Board and the receipt of the treasurer or of any other officer of the Board 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 Board 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 Board is unsatisfied then and in every such case and as often as the same happens the Board may enter into possession of the building or land and may occupy inclose and use the same or any part thereof;

(3.) The Board may from time to time let from year to year or or for any shorter period any such unoccupied or unproductive

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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.

64. 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 any chief rent payable in respect of the the building or lands;

(2.) There shall be paid thereout all taxes rates assessments expenses of repairs and other outgoings properly payable by the owner in respect of the building or lands except any chief rent and all expenses incurred by the Board in relation thereto by reason or in consequence of the failure of the owner thereof to pay any such private improvement or other expenses as aforesaid;

(3.) There shall be retained on behalf of the Board the amount which the owner is at the time of the commencement of such receipt by the Board liable to pay on account of such private improvement expenses as aforesaid and interest in respect of the same building or lands or any other building or lands in the same or any other street;

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

(5.) Upon satisfaction of the private improvement expenses and all moneys payable under this section the Board shall cease (if in occupation) to hold possession of such building or lands and if the same be let shall forthwith give due legal notice to determine the tenancy thereof.

Right of Board to rents to exclude that of owner &c.

65. Whenever the Board so enter into the 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 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 Board 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 Board be by virtue of this Act absolutely extinguished.

Persons having partial interests may

66. All owners of buildings or lands being tenants for life only and all committees of the estates of lunatics and all trustees seized possessed or entitled to any estate or interest either at law or in

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raise expenses by mortgage.

equity in any buildings or lands for or on behalf of any person or charity (all of whom are in this section included in the expression "mortgagor") may charge such buildings or lands with such sum as may be necessary to defray the whole or any part of any private improvement 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 for the term of twenty years unto or in trust for any person who shall advance such moneys but so that every such mortgage be made with a condition to cease and be void or with an express trust to be surrendered or assigned when the money to be thereby secured with all interest thereon shall have been fully paid and satisfied and so that in every such mortgage there be contained a covenant by the mortgagor to pay and keep down the interest of the money to be secured during his life or the continuance of his interest therein as the case may be and to set aside during such life or continuance as the case may be yearly and every year following the execution of such mortgage one-twentieth part at least of the whole original sum secured by such mortgage in such manner that no person afterwards becoming possessed of such buildings or lands or of any estate or estate therein shall be subject or liable to pay any larger arrear of interest than for six months previous to the time when his title to possession shall accrue or commence or any greater proportion of the original sum secured by such mortgage than the unexpired term of such mortgage bears or shall bear to the whole term mentioned and the amounts annually set aside under the covenants of such mortgage shall be vested in Exchequer bills or other Government securities in the joint names of the mortgagor and the mortgagee and shall accumulate until the whole amount secured by such mortgage can be paid off or until the sum so accumulated shall be accepted by the mortagee in discharge of the like amount of the principal sum secured by such mortgage and every such mortgagee and his representatives and assigns shall have the like remedies in case of nonpayment of the moneys thereby secured as in the case of other mortgages of the like nature. If the mortgagor shall advance or pay the whole amount of the moneys so repayable as aforesaid he shall be deemed to be a mortgagee in respect thereof and shall have the same rights and priority as a mortgagee would have under this section and a certificate of such advance or payment under the hands of the clerk shall be conclusive proof of the rights of such mortgagee to the extent of the amount certified for under this section Provided always that the obligation of the mortgagor to pay interest and instalments shall not be in any way affected by the fact of his being also mortgagee.

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Private improvement expenses to carry interest.

67. If any private improvement expenses be not paid within the period of fourteen days from the date of the demand thereof by the Board they may from the expiration of such period to the date of payment charge interest thereon after such rate as they may determine not exceeding five pounds per centum per annum and such interest shall be added to and be deemed part of the private improvement expenses and be recoverable accordingly.

Saving for special contracts between landlords and tenants.

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

Extension of time for summary payment of rates &c.

69. Proceedings in any court of summary jurisdiction for the recovery of moneys payable for private improvement expenses and for the recovery of any rate payable to the Board may be commenced at any time within twelve calendar months from the time when demand thereof is first made or served by the Board by or upon the person against whom such proceedings are taken.

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

70. And whereas owing to the rapid extension of buildings in the district it happens that between the making of the last valuation list or of the last rate for the relief of the poor (in this section called the poor rate) as the case may be and the making of the next assessment for rates leviable by the Board many new buildings have been erected which cannot therefore be included by the Board in such rates Therefore the following provisions shall have effect (that is to say):

(1.) If after the making of the valuation list or if there be none then after the making of the last poor rate and before the making of the next following rate by the Board any building be newly erected which would be assessable to the poor rate the Board may cause such building to be valued by a competent valuer and the Board may in making the assessment for their said next rate include such building therein.

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

(3.) If any person think himself aggrieved by any rate made on the basis of such valuation he may at the first meeting of the Board held after the publication of such rate after giving three days notice in writing to the Board apply to the Board for

relief and they may grant such relief as they may think right and may amend such rate accordingly. A.D. 1882.

Part XI.—Slaughterhouses.

Notice to be given in case of changing occupation of a slaughter-house.

71. Upon any change of occupation of any building within the district licensed or registered for use and used as a slaughterhouse the person thereupon becoming the occupier shall give notice in writing of the change of occupation to the inspector of nuisances and in case he fails or neglects to give such notice within one month after the change of occupation occurs he shall be liable to a penalty not exceeding five pounds.

Board may revoke slaughter-house license if occupier convicted of selling &c. diseased meat.

72. If the occupier of any building licensed or registered to be used as a slaughterhouse shall after the commencement of this Act be convicted of selling or exposing for sale or having in his possession or on his premises for the purpose of sale as human food the carcase of any animal or any piece of meat or any flesh diseased or unsound or unwholesome or unfit for use of man the Board may if they think fit by order revoke the license to use such building as a slaughterhouse and they may thereafter refuse if they think fit to grant a license for the use as a slaughterhouse of any building belonging to or occupied by or which they may reasonably believe is intended to be occupied by the person so convicted.

Part XII.—As to Offences.

Prohibition of obscene bills &c.

73. If any person affixes to any house wall board public urinal watercloset or lavatory or delivers or exhibits to any inhabitant or passenger in or near to any street any bill or printed or written paper (whether inclosed in a sealed or other envelope or not) of an obscene or indecent nature or referring to any disease of a loathsome or secret kind or to any cure for any such disease he shall for every such offence 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 one month with or without hard labour.

Dogs.

74. Any constable or other officer may take possession of any dog found straying on any street or highway and not under the control of any person and may detain such dog for five clear days at a police station and during that time it shall be properly fed and if at the expiration of that time such dog be not claimed and all expenses incurred by its detention paid the same may be sold or destroyed Provided that when any dog taken possession of by any constable wears a collar with the address of any person inscribed

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thereon a letter stating the fact of such dog having been taken possession of shall be sent by the chief officer of police of the district by post to the address inscribed on the collar.

Street musicians to depart when required to do so.

75. 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 shall sound or play upon any musical instrument or sing in any street near or within hearing of such house after being so required to depart shall be liable to a penalty not exceeding forty shillings.

Part XIII.—Fire.

Discharged firemen or servants may be turned out of possession of houses.

76. Where any fireman or other person discharged from the fire establishment of the Board continues to occupy any building provided for the purposes of that establishment after one week's notice in writing from the Board to quit and deliver up the possession thereof any justice may on proof of such notice by warrant authorise any constable or other officer to enter upon such building and remove such fireman or other person and his family therefrom and deliver up the possession thereof to the Board and any constable or other officer may proceed according to the warrant.

Power to enter and break open premises in case of fire.

77. Any fireman or other person appointed by the Board may enter and if necessary break into any building in the district being or reasonably supposed to be on fire or any buildings 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.

Telegraphic &c. communications for fire brigade.

26 & 27 Vict. c. 112.

78. The Board may from time to time provide and maintain for their fire brigade establishment such telegraphic or telephonic communications between such parts of the district as they may deem fit and in relation to any such telegraphs or telephones the Board shall for the purposes of the Telegraph Act 1863 be deemed to be and shall be in the like position in all respects as a company authorised by special Act of Parliament to construct and maintain telegraphs but so that it shall not be requisite for the Board to give any notice respecting the opening for the purposes of telegraphs of any street or court under their own management.

Part XIV.—Financial.

Power to borrow.

79. The Board may from time to time borrow at interest such moneys as they think requisite for the purposes of this Act to

an amount not exceeding in the aggregate the amounts by this Act authorised in respect of such purposes respectively.

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

80. The powers of borrowing money by this Act given shall not be restricted by any of the provisions or regulations contained in the Public Health Act 1875 and in calculating the amount which the Board may borrow under the Public Health Act 1875 any sums which they may borrow under this Act shall not be reckoned.

Limitation of borrowing powers.

81. The moneys to be borrowed by the Board under the authority of this Act shall not in connexion with the following purposes exceed the following sums (that is to say):

	£
For street improvements - - -	3000
For sewers sewage and night soil works -	30000
For town hall and offices - - -	1500
For private street improvements and works -	30000

And with respect to the expenses of preparing applying for obtaining and passing this Act in accordance with the provisions of the last section of the same the amount taxed and ascertained in the manner thereby prescribed.

Provided that in case any further moneys shall be required for any of the aforesaid purposes the Local Government Board may at the request of the Board authorise them to borrow such further sums as the Local Government Board may from time to time think fit.

Power to mortgage.

82. For securing the repayment of moneys borrowed under the authority of this Act for any of the purposes of this Act the Board may mortgage the district fund and general district rate and the rates revenues and property of the Board or any of those securities:

Coupons for interest on mortgages.

(1.) The Board may from time to time if they think fit issue to holders of their mortgages coupons for the interest from time to time to fall due thereon in such form as the Board think fit so as every coupon do refer to the mortgage to which it relates and do specify the amount and time of payment of one half year's interest to fall due on the principal money secured by the mortgage and be authenticated in such manner as the Board shall from time to time direct (which authorisation shall be presumed until the contrary is shown) and on presentation to the treasurer of a coupon he shall pay to the person presenting it the amount of interest thereon expressed and thereby appearing to be payable and on audit of the treasurer's accounts the coupon shall be accepted as a sufficient warrant for his payment of the amount for which it was issued but the treasurer shall not be bound to make any payment of interest beyond the

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amount of the money of the Board then in his hands and applicable in that behalf;

Money borrowed on mortgage may be paid by instalments.

(2.) All moneys borrowed or re-borrowed by the Board by mortgage under the authority of this Act shall be paid off in the case of moneys borrowed for sewers sewage or night soil works within sixty years and as to moneys borrowed for any other purposes within thirty years from the date of borrowing such moneys respectively by yearly or half-yearly instalments or by means of sinking funds Provided that when the payments are made by instalments but not by equal instalments the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part shall in every year amount to the same sum and such repayment shall commence within one year from the date of borrowing;

Sinking fund for payment of money borrowed on mortgage.

(3.) The Board in case they borrow any moneys on mortgage repayable by sinking funds shall within one year from the date of borrowing such moneys respectively and thenceforth annually on the same day set apart as sinking funds for the payment of moneys borrowed on mortgage under this Act out of the district fund and general district rates such sums as will be sufficient to pay within the respective periods for which such moneys are borrowed such proportion of the principal moneys so borrowed as are not repayable by yearly or half-yearly instalments to be accumulated in the way of compound interest by investing in Exchequer bills or Government securities or in any manner in which trustees are by law for the time being authorised to invest trust moneys and the Board shall from time to time apply the said sinking funds respectively in repayment of such portion of those respective principal moneys until thereby or otherwise the whole of such portions have been fully paid off Provided always that whenever any of such principal moneys have been so paid off the Board shall thenceforward until the whole of such principal moneys have been paid off pay into the sinking funds every year in addition to the other sums hereinbefore required to be set apart and appropriated a sum equal to the annual interest of the principal money so paid off Provided further that whenever and so long as the yearly income arising from the sinking funds is equal to the annual interest of the principal moneys then due and outstanding the Board may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to the sinking funds of the yearly sums hereinbefore required to be paid thereto Provided that the said sums

to be from time to time paid as instalments or set apart and paid into the sinking funds by the Board shall be such as the Local Government Board shall from time to time approve;

Annual return to Local Government Board with respect to sinking funds in respect of moneys borrowed on mortgage.

(4.) The clerk shall within twenty-one days after the first day of January of each year during which any sum is required to be set apart for the sinking funds or to be paid as an instalment or appropriation or annual repayment in respect of moneys borrowed on mortgage under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as instalments or appropriations or annual repayments and the amount which has been invested or applied for the purpose of such sinking funds during the year preceding the making of such return and the description of such securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking funds have been applied during the same period and also showing the amount which has accumulated during the year on the investments of the sinking fund and the manner in which such accumulations have been applied and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the Board have failed to pay any instalment or to set aside the sums required by this Act for the sinking funds or have applied any portion of the moneys set apart for those funds or the interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default has been made shall be set apart and invested as part of the sinking funds and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court of Justice;

Power to re-borrow.

(5.) If the Board pay off any part of any money borrowed by them on mortgages under this Act otherwise than by instalments appropriations or annual repayments or by means of sinking funds or out of the proceeds of the sale of superfluous lands they may re-borrow the same and so from time to time Provided always that all moneys so re-borrowed shall be repaid

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within the same time as the moneys originally borrowed were required to be repaid;

Protection of lenders from inquiry.

(6.) A person lending money to the Board secured by mortgage shall not be bound to inquire as to 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 or misapplication of the money lent or of any part thereof.

38 & 39 Vict. c. 55. to apply to mortgages.

83. The provisions of the Public Health Act 1875 with respect to mortgages shall except as is by this Act otherwise provided be applicable to the mortgages to be made by the Board under this Act.

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

84. The Board if they think fit in lieu of borrowing on the security of mortgages as herein-before provided may borrow the moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon the district fund and general district rate and such fund and rates shall be deemed to be the local rate within the meaning and for the purposes of the Local Loans Act 1875 Every such loan shall be discharged within the respective periods herein-before mentioned in the case of moneys borrowed on mortgage from the date thereof and such discharge or any part thereof shall be effected by means of sinking funds if the Board so think fit and if the Board at any time think fit to form any such sinking funds the first payment to be made into the same need not be made until the expiration of the respective periods herein-before mentioned in the case of the sinking funds for paying off moneys borrowed on mortgage under this Act and all sums paid into the same shall as soon as may be be invested by the Board in any manner in which trustees are by law for the time being authorised to invest trust moneys The forms set forth or referred to in the Fifth Schedule to this Act may be used by the Board for the purposes of the Local Loans Act 1875.

Power to re-borrow.

85. The Board for the purposes of paying off any moneys borrowed or raised by them by the issue of debentures or debenture stock under and subject to the provisions of the Local Loans Act 1875 may from time to time during the period prescribed by this Act for the repayment of the moneys so borrowed re-borrow such amounts as they may require by the issue of debentures or debenture stock or annuity certificates or partly in one way and partly

in another under and subject to the provisions of the Local Loans Act 1875 Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made and that the moneys originally borrowed and any amounts from time to time re-borrowed under the foregoing provisions for the repayment of such moneys shall for the purposes of sections 14 and 15 of the Local Loans Act 1875 be deemed to form the same loan and the obligations of the Board with respect to the sinking funds to be set aside in respect of such moneys and save as herein-after provided with respect to the appropriation and application of a fixed annual sum for the repayment of such moneys shall not be in any way affected by reason of such re-borrowing If the Board elect to pay off any moneys borrowed by them under this Act by the appropriation of an annual sum as provided by section 14 of the Local Loans Act 1875 and any moneys in respect of which the annual sum is appropriated are paid off by means of moneys re-borrowed at a different rate of interest than that payable on the moneys paid off by means of such re-borrowing the annual sum shall be reduced or as the case may be increased by the subtraction therefrom or addition thereto of a sum equivalent to the decrease or increase of the interest payable by the Board in consequence of such repayment and re-borrowing.

Application of money.

86. All moneys borrowed under this Act shall be appropriated to purposes for which they are authorised to be borrowed and shall be expended exclusively on works or objects on which capital may properly be expended All moneys received by the Board either as purchase moneys of lands sold or for equality of exchange or as consideration for a lease shall be applied to such works or objects as aforesaid or the same may in the discretion of the Board be applied towards the reduction of the debt owing by the Board or towards the increase of the sinking funds and all other moneys received by the Board under this Act shall be carried to the credit of the district fund and shall form part of the same Provided that after any moneys received in respect of the sale of surplus lands have been applied in reduction of debt or paid into the sinking fund the Local Government Board shall determine the extent to which the subsequent payments into the sinking fund are to be reduced and so from time to time.

Separate accounts to be kept for private improvements expenses.

87. The Board shall keep accounts with respect to private improvements expenses separate from all their other accounts and all moneys received by the Board on account of those expenses shall be carried to a separate account and be applicable only to the payment of the interest and principal payable by the Board in respect of the moneys borrowed for those purposes.

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Audit of accounts.

88. The accounts of the Board under this Act shall be audited in manner prescribed by section 247 of the Public Health Act 1875 with respect to the audit of the accounts of urban sanitary authorities not being a town council.

Priority of mortgages.

89. Nothing in this Act shall prejudice or affect any mortgages debentures or other securities on the funds or rates of the Board existing at the passing of this Act and the same shall have priority over any mortgages debentures or securities on the same funds or rates granted under this Act.

Part XV.—Miscellaneous.

Form and service of notice by Board.

90. The provisions of the Public Health Act 1875 with respect to notices orders and other such documents and the authentication and service thereof shall except where otherwise expressly provided apply to notices orders and other such documents under this Act Provided always that in the case of a railway company every such notice order or other document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Penalty on occupier refusing execution of Act.

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

Occupier may execute works in default of owner at owner's cost.

92. Whenever default is made by the owner of any house in the execution of any work by or by virtue of this Act required to be executed by him the occupier of such house may 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.

Saving for general Acts.

93. Nothing in this Act shall exempt the Board from the provisions of any general Act passed or to be passed for the improve-

ment of the sanitary condition of towns or the abatement of nuisances.

Saving for action &c.

94. Nothing in this Act shall exempt the Board from any indictment suit action or other proceedings at law or in equity in respect of any nuisance caused by them.

Powers to be cumulative.

95. All powers rights and remedies given to the Board by this Act shall (except where otherwise expressly provided) be deemed to be and shall be in addition to and not in derogation of any other powers conferred upon them by Act of Parliament law or custom and the Board may exercise such other powers as if this Act had not been passed.

Penalties.

96. Every person offending against any of the preceding provisions of this Act shall except as otherwise provided be liable to a penalty not exceeding five pounds for every such offence and in the case of a continuing offence to a further penalty not exceeding forty shillings for every day during which such offence continues.

As to appeal.

97. Any person deeming himself aggrieved by any requirement order or decision or by the withholding of any consent or approval by the Board or their surveyor under any of the provisions of this Act or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal to the next court of quarter sessions under and according to the provisions of section two hundred and sixty-nine of the Public Health Act 1875.

Application of penalties.

98. Every penalty imposed by this Act shall be recoverable in a summary manner and sections 251 and 252 of the Public Health Act 1875 shall extend and apply to the recovery thereof and such penalty shall (except where the Board is the party by whom the penalty is to be paid) belong to the Board and shall be paid to the treasurer of the Board and shall be carried by him to the credit of the district fund.

Contents of summons.

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

Costs af distress.

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

Judges not disqualified.

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

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Offences how punishable.

102. When any person is convicted of an offence against any provision of this Act punishable by the infliction of a penalty or in the discretion of the justice before whom he is convicted by imprisonment such justice may impose on such offender such period of imprisonment as in the opinion of the justice will satisfy the merits of the case but not exceeding the period which under the Summary Jurisdiction Act he may impose for the nonpayment of such penalty.

Expenses of Act.

103. The costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining and passing of this Act shall be paid by the Board in the first instance out of the district fund and general district rate and ultimately out of money borrowed under and subject to the provisions of this Act and such costs shall include the cost of and incidental to complying with the provisions of the Act of the session of Parliament held in tne thirty-fifth and thirty-sixth year of the reign of Her Majesty chapter ninety-one with respect to the Bill for this Act and all matters relating thereto as taxed by the taxing officer of the House of Lords or of the House of Commons and shall be debited to such accounts in such proportions as the Board shall think fit.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

LANDS AND BUILDINGS OF WHICH PORTIONS ONLY MAY BE REQUIRED.

Township and Parish.	Nos. on deposited plans.
Township of Chadderton Parish of Prestwich-cum-Oldham	7 8 9 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57

THE SECOND SCHEDULE.

SEWAGE LANDS.

Lands in the township of Chadderton in the parish of Prestwich-cum-Oldham in the county of Lancaster situate at Slacks Valley on the easterly side of the Rochdale Canal at or near Slacks Valley Chemical Works and which lands belong or are reputed to belong to Charles James Radcliffe and are in the occupation of John Leigh Becker and contain by estimation eight acres or thereabouts and are included within an imaginary line commencing at a point distant 72 yards or thereabouts in a north-easterly direction from the junction of Springs Brook with Wince Brook thence proceeding in an easterly direction 132 yards or thereabouts thence proceeding in a southerly

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direction 297 yards or thereabouts thence proceeding in a westerly direction towards the Rochdale Canal 132 yards or thereabouts thence proceeding in a northerly direction 297 yards or thereabouts to the said point of commencement.

THE THIRD SCHEDULE.

Lands for Town Hall and Offices.

Lands houses and premises in the township of Chadderton in the parish of Prestwich-cum-Oldham in the county of Lancaster adjoining and lying on the western side of the existing building and offices of the Board and between Middleton Road and the Town Yard.

THE FOURTH SCHEDULE.

Certificate of Disease &c.

The Chadderton Improvement Act 1882.

To the Local Board for the District of Chadderton.

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

* Here specify the disease.

Dated the day of 18 .

(Signed)

Name of person suffering from the disease.

Situation of the building wherein such person is.

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

Note.—This certificate must (under a penalty in case of neglect of forty shillings), be forthwith sent to the medical officer of the Board at his office.

THE FIFTH SCHEDULE.

Form of Certificate of Debenture Stock.

Chadderton Local Board Debenture Stock.

Certificate No. Amount £

Registered No.

This is to certify that

of is registered in the books of the Local Board for the district of Chadderton in the county of Lancaster as the proprietor of pounds sterling Local Board Debenture Stock created by virtue of the Chadderton Improvement Act 1882 bearing interest at the rate of pounds per centum per annum payable half-yearly on the first day of July and the first day of January in each year the first payment to be made on the day of next.

Given under the common seal of the Local Board for the district of Chadderton in the county of Lancaster this day of

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

All certificates will bear the common seal of the Board.

Form of Transfer of Debenture Stock.

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

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

L.S.

L.S.

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