CHAP. cli.

An Act for defining and extending the Powers of the Corporation of Huddersfield in relation to the Management of Streets in the Borough, and to Sewerage, and to Police, and other matters of Local Government; and for other purposes. A.D. 1871.

[24th July 1871.]

WHEREAS in 1848 an Act was passed for better paving, lighting, watching, sewering, draining, cleansing, and otherwise improving the town and neighbourhood of Huddersfield in the west riding of the county of York, for maintaining an efficient police there, and for removing and preventing nuisances and annoyances therein (which Act has the short title of the Huddersfield Improvement Act, 1848, and is in this Act referred to as the Improvement Act of 1848): 11 & 12 Vict. c. cxl.

And whereas by the Improvement Act of 1848, commissioners, named the Huddersfield Improvement Commissioners, were incorporated, and were empowered to carry the Act into execution:

And whereas the Improvement Act of 1848 comprised parts of several hamlets in the township of Huddersfield:

And whereas subsequently other parts of the same township and parts of adjoining or neighbouring townships were formed into local board districts under the Public Health and Local Government Acts:

And whereas by charter or letters patent under the Great Seal of the United Kingdom, dated the seventh day of July one thousand eight hundred and sixty-eight, the inhabitants of the township of Huddersfield and of other adjoining or neighbouring townships and districts, including the local board districts herein-before referred to, were incorporated by the name of the Mayor, Aldermen, and Burgesses of the Borough of Huddersfield (in this Act called the Corporation):

And whereas by an indenture dated the tenth day of October one thousand eight hundred and sixty-eight the Huddersfield Improve-

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ment Commissioners transferred to the Corporation all their rights, powers, estates, property, and liabilities:

And whereas by the Local Government Supplemental Act, 1869, it was, among other things, recited to the effect (section 3) that at the time of the granting of the charter of the borough the Local Government Act, 1858, had been adopted within the districts therein mentioned which were within the limits of the area incorporated by the charter, and that the powers, authorities, duties, properties, and liabilities of the local boards of those districts had respectively ceased and determined, and had become vested in the council of the borough:

And whereas by the same section, after further recitals relative to the hamlet of Fartown and the district or division of Dalton, respectively situated within the incorporated area of the borough, and respecting the adoption of the Local Government Act, 1858, in and for the hamlet and district respectively, it was enacted to the effect that the Corporation by the council should be the local board for the hamlet and district respectively as districts under the Local Government Act, 1858, and that the council should have within those districts respectively all powers and authorities which a local board might have and exercise in a district duly constituted under the Local Government Act, 1858:

And whereas by the same Act it was further recited to the effect (section 4) that the local boards for the several districts within the area of the borough had by force of the enactments therein mentioned become merged and incorporated in the council of the borough, and that the council had become for each district the local board for the same, and then acted for each of such districts respectively, and kept separate accounts, and levied separate rates for each of them, and that the said indenture of transfer of the tenth day of October one thousand eight hundred and sixty-eight had been made, and that it was expedient that all the powers of the local boards of the said several districts, and of the Huddersfield Improvement Commissioners, should be exercised by the council of the borough in the name of the council only, without adding any other designation whatever:

And whereas by the same section it was enacted to the effect that the council should be the local board of health for each of the districts comprised in the borough, and should or might in all matters and things in relation to each and any of the said districts, and in relation to the district and powers of the Improvement Act of 1848, be described by the name of the Council of the Borough of Huddersfield without any other designation whatsoever, and that the council might appoint and remove officers as therein mentioned, and might apportion and charge the salaries and expenses of all and any

of them to the several districts or divisions aforesaid in manner therein mentioned:

And whereas it is highly inconvenient for the borough that there should be in force therein a variety of provisions affecting the improvement and government of the borough, or of its several districts, and the health and comfort of the inhabitants thereof, comprised in different Acts not uniform in language and sometimes conflicting in effect, and it is therefore expedient to consolidate enactments in force relative to the improvement and government of the borough and its several districts, and to simplify and amend them:

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

And whereas it is expedient that the Corporation be empowered to make various new streets and improvements of streets in the borough:

And whereas it is expedient that further borrowing powers be conferred on the Corporation, and that better provision be made respecting securities for and other matters relative to moneys already borrowed by the Corporation, and the various other local authorities herein-before referred to:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

And whereas plans and sections describing the lines, situations, and levels of the intended new streets, and improvements of streets and other works, and plans describing the lands intended to be taken compulsorily for the purposes of this Act, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of lands in the line of the proposed works, or within the limits of deviation as defined on the plans, and of the other lands described on the plans, and further describing all those lands, have been deposited with the clerk of the peace for the west riding of the county of York (which are in this Act referred to as the deposited plans, sections, and book of reference):

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

I.—PRELIMINARY.

1. This Act may be cited as The Huddersfield Improvement Act, 1871. **Short title.**

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Commencement of Act.

2. This Act shall commence from and immediately after the thirty-first day of August one thousand eight hundred and seventy-one.

Interpretation of terms.

3. In this Act—

The term "the borough" means the municipal borough of Huddersfield, and the terms "the Corporation," "the mayor," "the council," "the watch committee," "the sanitary committee," "the town clerk," "the treasurer," "the officer of health," "the surveyor," "the borough fund," and "the borough rate," mean respectively the mayor, aldermen, and burgesses of the borough, and the mayor, the council, the watch committee, the sanitary committee, the town clerk, the treasurer, the officer of health, and the surveyor for the time being of the borough, and the borough fund and borough rate of the borough:

The term "sanitary inspector" includes smoke inspector, officer of health, and inspector of nuisances:

The term "surveyor" includes any assistant surveyor appointed or approved by the Corporation:

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

The term "the west riding" means the west riding of the county of York:

The term "the Improvement Act of 1848" means the Huddersfield Improvement Act, 1848:

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

The term "justice" means a justice of the peace for the borough:

The term "two justices" means two or more justices assembled and acting together in petty sessions for the borough, or any stipendiary justice acting for the borough or for the west riding:

The term "court of quarter sessions" means the court of general or quarter sessions for the west riding, or that for the borough, if and when the borough has a separate court of general or quarter sessions:

The term "street" applies to and includes any highway and any road, public bridge (not being a county bridge), lane,

footway, square, court, alley, passage, whether a thoroughfare or not, and the parts of any such highway, road, bridge, lane, footway, square, court, alley, or passage within the borough, whether made before or after the commencement of this Act:

The term "court" means the whole or any part of any court, alley, entry, passage, yard, way, or place made before or after the commencement of this Act, and used with or appurtenant to two or more dwelling-houses:

The term "owner" means the person who for the time being receives the rackrent of the lands with reference to which that term is used, whether on his own account or under or by virtue of any mortgage or charge, or as agent or trustee for any other person, or who would so receive the same if the lands were let at a rackrent, and includes every successive owner from time to time of the lands for any part of the time during which the enactment wherein that term is used operates in relation to such lands:

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

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

The term "sewer" means a culvert or channel for the passage of water, sewage, or refuse, not being a drain as in this Act defined:

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

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

The term "cart" includes any vehicle made or used for the conveyance of goods, commodities, or chattels in a street:

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

The term "cattle" includes horses, asses, mules, sheep, goats, and swine:

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

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

And in this Act, and in any Act incorporated wholly or in part with this Act, the term "superior court" or "court of competent

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jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute.

Effect of Act as to Sir John Ramsden.

4. The provisions of this Act mentioning or relating to Sir John Ramsden shall be deemed to extend and apply not only to the present baronet, Sir John William Ramsden, his heirs and assigns, but also to the person or persons for the time being in receipt of or entitled to the rents and profits of the estates in the borough from time to time subject to the uses for the time being subsisting of the will of Sir John Ramsden, Baronet, deceased, or of any settlement or resettlement thereof, or of any Act of Parliament relating to the same, and the trustees and trustee for the time being acting under such will, settlement, resettlement, or Act.

Repeal and discontinuance of enactments, &c. as in schedule.

5. From and after the commencement of this Act, but subject to the provisions of this Act, the enactments described in Part I. of the first schedule to this Act shall be repealed, and those described in Part II. of the same schedule shall cease to apply to the borough.

II.—THE BOROUGH.

Confirmation of charter and of transfer of powers of Improvement Commissioners.

6. The charter of incorporation of the borough dated the seventh day of July one thousand eight hundred and sixty-eight, and the indenture dated the tenth day of October one thousand eight hundred and sixty-eight, whereby the Huddersfield Improvement Commissioners transferred to the Corporation all their rights, powers, estates, property, and liabilities, are hereby confirmed.

Saving of rights of lord or lords of the manors of Huddersfield and Almondbury.

7. Provided always, that nothing in this Act, or in the charter of incorporation recently granted to the town of Huddersfield, contained shall extend to or be deemed, construed, or taken as in anywise extending to extinguish, prejudice, diminish, affect, or disturb, or as authorising anything to be done, or omitted to be done, so as to extinguish, prejudice, diminish, affect, or disturb any right, privilege, franchise, incorporeal hereditament, or profit belonging to the lord or lords of the manors of Huddersfield and Almondbury respectively for the time being, or belonging to the person or persons for the time being in receipt of or entitled to the rents and profits of the estates from time to time, subject to the subsisting uses of the will of Sir John Ramsden, Baronet, deceased, or of any settlement or resettlement thereof, or of any Act of Parliament relating to the same, or reserved or conferred by the Act of Parliament passed in the 7th and 8th years of the reign of King George the Fourth, intituled "An Act for supplying with water the town "and neighbourhood of Huddersfield in the west riding of the "county of York," or by the Act of Parliament passed in the 8th and

7 & 8 G. 4. c. lxxxiv.

9th years of the reign of Her present Majesty, intituled "An Act "to alter, enlarge, and amend an Act for supplying with water the "town and neighbourhood of Huddersfield in the west riding of "the county of York," or by "The Huddersfield Improvement Act, 1848," or any of them, save and except the privilege conferred by the sixteenth section of the said last-mentioned Act on the lord of the manor therein referred to, to nominate and appoint three commissioners to act under the provisions of that Act, which privilege the lord of the manor has consented to waive; but such rights, privileges, incorporeal hereditaments, and profits respectively, save as aforesaid, shall remain, continue, and be used, exercised, enjoyed, and taken in the same manner in all respects as if this Act had not been passed and the said charter had not been granted.

Act to extend to borough.

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

Names of districts in borough.

9. The districts of the borough for the purposes of this Act are those described in the second schedule to this Act, and they or some of them are mentioned in this Act by the respective names in the first column of that schedule given.

Vesting of property of Improvement Commissioners, local boards, &c. in Corporation.

10. From and after the commencement of this Act the following property shall be and the same is hereby vested in the Corporation; (namely,)

All property which at the date of the said indenture of transfer of the tenth day of October one thousand eight hundred and sixty-eight was vested in the Huddersfield Improvement Commissioners:

All property which at the respective dates when the Corporation became the local board for the several districts in the borough was vested in those respective local boards:

All property which at the date of the Local Government Supplemental Act, 1869, was vested in the surveyors of highways for the hamlet or division of Fartown and for the district or division of Dalton respectively:

But nothing in this section shall prejudicially affect any dealing with the property aforesaid, or any part thereof, subsequently to the respective dates aforesaid.

Act to be executed by council.

11. This Act shall be carried into execution by the Corporation acting by the council, and according to the Municipal Corporations Acts and other laws for the time being affecting the Corporation, and with all the rights, powers, privileges, and authorities conferred by those Acts and laws on the Corporation and on the council and committees of the council, and the officers, agents, and servants of the Corporation, with respect to matters provided for, by, or

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comprised in the Municipal Corporations Acts, and as nearly as may be in all respects as if the powers, duties, and property vested in, imposed on, or enjoyed by the Corporation by or under this Act were vested in, imposed on, or enjoyed by them by or under the Municipal Corporations Acts.

Regulations as to committees of council.

12. Where, under the authority of the Municipal Corporations Acts, the council appoint out of their own body any committee for the execution of any of the purposes of this Act, they may delegate to each such committee such of the powers and duties of the Corporation under this Act as the council think fit for the purpose of carrying into effect any specific orders of the council; and the acts and proceedings of every such committee within the limits of such delegation shall be deemed the acts and proceedings of the council, or the council may appoint any committee for any purpose of this Act, so that the acts of every such last-mentioned committee shall, if the council so order, but not otherwise, be submitted to the council for approval; and the quorum of any such committee as in this section provided for shall be such as the council direct, and the council may from time to time make such regulations as they think fit for the guidance of any such committee, and the council may from time to time remove any members of any such committee, and appoint in the stead of them, or any of them, other members of the council; and any such committee may appoint any of its members to be a sub-committee to execute and discharge any of its powers and duties, but the acts of every such sub-committee shall, unless the council, on the appointment of the committee, otherwise direct, be submitted to the council for approval.

III.—STREETS; HIGHWAYS; ROADS; PATHS.

Management of streets vested in Corporation.

13. The management of all streets and courts which at the commencement of this Act are or thereafter become public highways, and the pavements and other materials as well in the footways as in the carriageways of such streets and courts, and all buildings, materials, implements, and other things provided for purposes of highways by surveyors of highways, or by the Corporation, shall belong to the Corporation.

Corporation to be surveyors of highways.

14. The Corporation exclusively shall be the surveyors of highways, and (subject to the provisions of this Act) shall have all such powers and authorities, and be subject to all such liabilities, as any surveyors of highways are invested with or subject to by virtue of the laws for the time being in force, and the inhabitants of the borough shall not, in respect of any lands within the borough, be liable to the payment of any highway rate or other payment in respect of the

making or repairing of roads within any other part of any parish in which any part of the borough is situate.

Corporation liable to indictment for want of repairs.

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

Power to pave streets, &c.

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

Alteration of level of pavements, &c.

17. The Corporation, for the purpose of making improvements, or for securing proper levels or uniformity of any pavement or footway, may raise, lower, or alter any pavement or footway, or any arch, vault, cellar, or area under or adjoining to any pavement or footway, making compensation to owners and occupiers of buildings and lands for any damages or expenses sustained or incurred by them by reason or in consequence of the exercise of the powers of this section.

Streets may be stopped for temporary purposes.

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

Power to set up posts for guarding footways.

19. The Corporation may continue, or from time to time place and maintain, in any street or court under their management, any posts, pillars, rails, bars, chains, or other fence, permanent or temporary, for the protection of passengers and traffic, or for preserving the footway clear from annoyance, or for prevention of accidents, or for making the crossing of the carriageway less dangerous to passengers.

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

20. If any person displaces, takes up, or alters any post, pillar, rail, bar, chain, or other fence, permanent or temporary, continued or placed and maintained in any street or court by the Corporation, or the pavement, flags, curbs, channel stones, or other materials of any

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street or court under the management of the Corporation, without their consent in writing, or other lawful authority, or damages any such post, pillar, rail, bar, chain, or fence, or any such pavement, flags, curbs, channel stones, or other materials, he shall be liable to a penalty not exceeding five pounds, and the Corporation may reinstate the street or court, and the thing displaced, taken up, altered, or damaged, and recover the expenses from him.

Definition of buildings in streets, &c.

21. For the purposes of this Act, buildings and lands shall be deemed to be in a street or court when they abut on a street or court, or when only some portion of waste or unoccupied ground open to the passage of the public intervenes between the buildings or lands and a street or court: Provided always, that any building or land situate within the borough elsewhere than within the Improvement Act area used by a railway company as a part of or in connexion with their railway, and having no communication with any street on which such building or land may wholly or partly front or abut, shall not be deemed to be a building or land within the intent and meaning of this enactment.

Approval of new streets.

22. The width, level, and mode of construction of every street begun or completed after the commencement of this Act (in this Act referred to as a new street), and the materials to be employed therein, shall be subject to the approval of the Corporation.

Notices, &c. of new streets.

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

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

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

Every such plan and every such section shall contain the name and address of the person intending to make the street, and be signed by him or his authorised agent, and shall be deemed for purposes of this Act part of the notice, and every such notice shall be accompanied by a duplicate, and every such plan and every such section shall be accompanied by a duplicate or tracing, and every such duplicate or

tracing shall be retained by and shall be the property of the Corporation, and every such notice, plan, and section shall be delivered back to the person giving the notice, having been first stamped or otherwise marked so as to indicate the fact and date of the leaving of the notice, plan, and section at the surveyor's office; but no street made or to be made by the owner of the land over which the same shall pass for its whole length shall become a highway until such owner shall have assented thereto by writing under his hand.

Time for approval.

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

Effects of approval.

25. Nothing in an approval by the Corporation of an intended new street shall be taken to authorise the making of the street, or the doing of anything relative thereto or in connexion therewith not specified in the approval, in any manner contrary to any of the provisions of this Act or of any byelaw thereunder.

Duration of approval as to public street.

26. If any new street approved by the Corporation, and intended to be a public street, is not made and opened for public use within two years from the time of approval, the approval shall at the expiration of that period cease to operate, and fresh notice and approval shall, as to so much of the street as is not completed, be requisite as if notice and approval had never been given.

Duration of approval as to private streets.

27. If any new street approved by the Corporation, and not intended to be a public street, is not made and completed so as to be fit for use within three years from the time of approval, the approval shall at the expiration of that period cease to operate, and fresh notice and approval shall, as to so much of the street as is not so completed, be requisite as if notice and approval had never been given.

Measurement of width of new streets.

28. The width of a new street shall be taken to mean the whole space dedicated or intended to be dedicated to the public, exclusive of any steps, projections, and uncovered areas, and shall be measured at right angles to the course or direction of the street.

Width of carriage roads.

29. Every new street intended to be a carriage road shall be laid out and formed as follows; (namely,)

If intended not to exceed one hundred yards in length, it shall be laid out and formed at least thirty-six feet wide, unless a less width be in any case consented to by the Corporation:

If intended not to exceed one hundred yards in length, but if in the opinion of the Corporation likely to be at some future time extended so as to exceed that length, it shall be laid out

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and formed of a greater width than thirty-six feet in case the Corporation so order:

If intended to exceed one hundred yards in length, it shall be laid out and formed of such greater width than thirty-six feet as the Corporation in each case order.

Barriers in new streets of insufficient width.

30. The Corporation may from time to time erect barriers so as to prevent any new street from being used as a carriage road if it is of a less width in any part thereof than that required by or under this Act, and if any person throws down or damages any such barrier he shall be liable to a penalty not exceeding five pounds.

Width of new streets not carriage roads.

31. Every new street intended as the chief approach to a house or houses, but not intended to be a carriage road, shall be laid out and formed as follows; (namely,)

It shall in every case be laid out and formed at least twenty-four feet wide, unless a less width be in any case consented to by the Corporation:

If intended to exceed one hundred feet in length, or if in the opinion of the Corporation likely to be at some future time extended so as to exceed that length, it shall be laid out and formed of such greater width than twenty-four feet as the Corporation in each case order.

Power for reduction of width in certain cases.

32. Provided, with respect to any new street, whether intended to be a carriage road or not, that where an open space is left along one side or both sides of the street in front of the houses throughout its entire length, or the street is not the principal or only approach to the dwellings therein, or it would in the opinion of the Corporation be difficult or inexpedient to lay out and form the street of the width required by this Act, the Corporation may, if they think fit, allow the same to be laid out and formed of a less width than that required by this Act.

Back streets to be laid out.

33. Every new street intended as the principal or front access to a continuous line of dwellings shall, unless the Corporation otherwise allow, have provided and set out in connexion with it one or more back or transverse streets or roads at least twelve feet wide, in such manner as to afford access for carts to the back of every house in such continuous line of dwellings in the new street.

Carriage and foot way.

34. The Corporation shall, with respect to every new street, determine what proportion of its width shall be laid out as carriage-way and what as footway.

Intersecting streets.

35. No street intended to have a continuous line of buildings shall, unless the Corporation otherwise allow, be laid out of more than two hundred yards in length without a street intersecting it.

Entrances to streets.

36. Every new street shall, unless the Corporation otherwise allow, have at least one entrance of the full width of the street open from the ground upwards.

Power to vary direction of streets, &c.

37. The Corporation may vary, as they think fit, the intended position or direction of any new street or court, and may vary the intended line of frontage of any new building (not being a re-erection on the site of a previous building) in a street or court so that the same may correspond with the building line of the adjoining or nearest houses, or with the general building line of or prescribed for the street or court.

Works for drainage of new streets.

38. The level, width, position, and direction of a new street having been approved by the Corporation, the surveyor shall, with the approval of the Corporation, specify the depth and inclination, form, size, materials, and other particulars of the sewers, and their appurtenances, according to which the works for the proper drainage of the street and of the adjoining properties shall be executed; but if the Corporation, for the purpose of main drainage or otherwise, shall require a larger sewer to be made than they consider would be necessary for the ordinary sewerage of such new street, the additional cost of such enlarged sewer shall be paid by the Corporation.

Notice of irregularity.

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

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

40. If any person begins to make a new street without giving the notice required by this Act, or before the expiration of one month from the receipt by the Corporation of that notice, if given, or the previous approval of the Corporation, or begins to make a new street which has been disapproved by the Corporation, or, after the Corporation has approved of a new street, makes, either before or after completion thereof, any alteration in the whole or in any part thereof so approved, without further previous approval by the Corporation of the alteration, or does anything in contravention of this Act, or omits to do anything required by this Act, or by the

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Corporation or surveyor, under the authority of this Act, with reference to the making of a new street, he shall be liable to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding forty shillings for every twenty-four hours during which such offence continues after the expiration of twenty-four hours from service of notice thereof on him by the Corporation.

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

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

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

42. Every such order shall be served on the respective owners or occupiers of the buildings and lands in the street or court to which it relates, and shall be publicly posted at each end of that street or court.

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

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

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

(2.) The Corporation may charge the several owners of buildings or lands in the street or court with the expenses of the execution by them of those works, or incidental thereto,

with a commission, not exceeding the rate of five per centum on the amount thereof in respect of the surveying and superintendence of those works (which expenses and commission are comprised in the term "new street expenses" where used in this Act):

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

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

(5.) Any such dispute shall be settled by arbitration:

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

(7.) If it appears to the Corporation that additional expense is occasioned in the execution of the works in any street or court by the construction of a sewer of a larger size or with other materials than would have been necessary merely for the purpose of the drainage of the street or court, or of the buildings or lands therein, they may deduct from the new street expenses chargeable to any owner such a sum as under all the circumstances of the case they deem just:

But the owner of any building or lands shall not be liable to be charged for the repair of any public highway that crosses any such street or court.

Materials in streets sewered and paved.

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

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the same, the value thereof to be fixed by the surveyor shall be paid or allowed by them to the owners of buildings or lands whose property has produced the same.

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

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

Successive exercise of foregoing powers, &c.

46. The foregoing provisions of this Act relating to the formation of streets and courts, not being highways usually repaired by the inhabitants at large, shall have effect, and the powers thereby given to the Corporation may be exercised, as follows; (namely,)

In relation to any one or more of the works or classes of work mentioned in those provisions separately without any other or others of them:

In relation to the same street or court, or any part or parts thereof successively, at such intervals and times as the Corporation think fit:

In relation to one footway of a street or court after another:

In relation to the paving of a street or court after the same has been macadamised:

In relation to the flagging of a footway after it has been asphalted or otherwise formed.

Provisional acceptance of street by Corporation.

47. Where a street or court has been macadamised, or a footway has been asphalted or otherwise formed, the Corporation may provisionally accept the same, and undertake the maintenance and repair thereof, without requiring in the first instance the paving of the street or court, or the flagging of the footway, and may afterwards, when from the increase of buildings or traffic or other cause they think it requisite, order that the same, or any parts in succession thereof, be paved or flagged under and according to the foregoing provisions of this Act.

Expenses to be new street expenses.

48. The expenses of and incidental to any one or more of the works or classes of works aforesaid ordered by the Corporation shall be deemed new street expenses within the foregoing provisions.

Restriction on acceptance by Corporation.

49. Notwithstanding anything in this Act, a street or court shall not be accepted by the Corporation and declared to be a highway until it has been sewered, drained, levelled, and kerbed, and flagged or asphalted, and either permanently paved or permanently macadamised, or otherwise permanently completed to the satisfaction of the Corporation.

Corporation may agree for making of roads.

50. The Corporation may agree with any persons for the making of roads for the public use through the lands and at the expense of such persons, and may agree that such roads shall become, and the same shall accordingly become, on completion public highways maintainable and repairable at the public expense, and the Corporation may agree with such persons to pay, and shall accordingly pay, any portion of the expenses of making such roads out of the funds at the disposal of the Corporation for public improvements.

Corporation may agree as to building of bridges over canals, &c.

51. The Corporation may agree with the proprietors of any canals, railways, or tramroads, and with any landowners or other persons willing to bear the first expense thereof, for the construction or alteration of, and may accordingly cause or permit to be constructed or altered, any bridges, viaducts, or arches over or under any such canals, railways, or tramroads at the expense of such persons, and may at the like expense, by agreement, purchase so much of any slopes, embankments, or other parts of such canals, railways, or tramroads, or of any adjoining lands, as may be required for the foundation and supports of such bridges, viaducts, or arches, and the approaches thereto, and may agree that such bridges, viaducts, and arches respectively, with their approaches and accessories, shall become, and the same shall accordingly become, on completion parts of public streets or roads maintainable and repairable at the public expense; and the Corporation may agree to pay, and shall accordingly pay, any portion of the expenses of such construction, alteration, and purchase out of the funds at the disposal of the Corporation for public improvements, and, with the consent of such proprietors and other persons interested, and on such terms as may be mutually agreed upon, the Corporation may adopt any existing bridges, viaducts, or arches over or under any such canals, railways, or tramroads, and the approaches thereto, as public bridges, viaducts, or arches, and parts of public streets or roads, maintainable and repairable at the public expense.

Power to require alteration of levels of streets.

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

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street, making compensation to owners and occupiers of buildings and lands for any damage or expenses sustained or incurred by them by reason or in consequence or in the execution of such order.

Power to repair footways.

53. If at any time in any street (whether or not a highway repairable by the inhabitants at large) there is not a properly paved, asphalted, or flagged footway on each side, the Corporation may at any time and from time to time, and as to one side or footway after the other in succession, or as to both sides or footways, order the owners or occupiers of buildings or lands in the street to make a footway or footways in the street along their respective frontages thereto, of such form, size, and materials, at such levels, with such inclinations, in such manner, and within such time, as the Corporation direct; and thereupon such owners shall, at their own expense, make such footway or footways, and otherwise proceed as prescribed in the order; and if any work required to be done by any such order is not commenced within one month after service of such order, or if any such work when commenced is not carried on with reasonable despatch, or is not carried on in the manner or completed within the time prescribed in the order, the Corporation may at any time and from time to time make and execute the footway or footways and works prescribed by the order, and may charge and recover the expenses incurred, and commission thereon, as new street expenses, under and in accordance with the foregoing provisions in that behalf.

Power to define streets.

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

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

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

Power to stop up highways where unnecessary, &c.

56. The Corporation may, on the application of the majority of the owners of the land over which any highway or footpath passes, from time to time, by order, stop up, vary, or divert, wholly or partially, any highway or footpath which in their opinion is unnecessary, on such terms, as to the vesting of the soil and other matters, as may be agreed on between the Corporation and the owners and lessees of buildings and lands abutting on the highway or footpath, and on any highway or footpath being so stopped up, varied, or diverted, all public and other rights of way, and other rights in, over, or on the same, to the extent of such stopping up, variation, or diversion, shall be absolutely extinguished; but no such order shall be executed until after the expiration of one month from the time when it has been publicly posted at each end of the highway or footpath to which it relates.

Power to purchase buildings or lands for effecting street improvements.

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

Houses and buildings in streets being carriage-ways.

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

(1.) The person so erecting or rebuilding shall, if required by the Corporation or their surveyor, erect or rebuild such house or building at the distance of six yards at least from the centre of the street, and, if necessary for that purpose, shall set back the house or building accordingly, and that space or distance of six yards shall be given up for and form part of the street, unless the consent of the Corporation in writing is previously obtained by such person to the contrary:

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

(3.) Provided that in every such case the Corporation shall make compensation in respect of any land or building given up as aforesaid.

Where buildings taken down power to take land to improve street.

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

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

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

Land thrown into streets to be public highway.

61. Any lands purchased or taken by the Corporation and laid into a street shall for ever thereafter form a part of that street and be a public highway.

Buildings may be set forward for improving line of streets.

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

Projecting houses when taken down to be set back.

63. Where a building in a street or court, any part of which projects beyond the regular line of the street or court, or beyond the front of the building on either side thereof, is burnt or taken down to or below half the front elevation thereof, the same shall be set

back to or towards the line of the street or court, or the line of the adjoining building, in such manner as the Corporation direct for the improvement of such street or court, the Corporation making compensation to the owner of such building for any loss or damage sustained by him in consequence of his building being so set back.

Projections over highways.

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

Future projections of houses, &c. to be removed on notice.

65. The Corporation may serve notice on the occupier of any building to remove or alter any porch, shed, projecting window, step, cellar, cellar door or window, teagle, crane, windlass, sign, sign post, sign iron, showboard, window shutter, wall, gate, or fence, or any other obstruction or projection erected or placed after the commencement of this Act against or in front of any building within the borough, and being an obstruction to the safe or convenient passage along or through any street or court, and such occupier shall, within fourteen days after the service of such notice on him, remove such obstruction or projection, or alter the same in the manner required by the notice, and in default thereof he shall be liable to a penalty not exceeding forty shillings, and the Corporation may remove such obstruction or projection, and the expense of such removal shall be paid by him and shall be recoverable as damages; but except where such obstruction or projection was made or put up by the occupier, the occupier shall be entitled to deduct the expense of his removing or altering the same, as required by the notice, from the rent payable by him to the owner of the building.

Corporation may cause existing projections to be removed and compensation to be made.

66. If any such obstruction or projection was erected or placed against or in front of any building in any street or court before the commencement of this Act, the Corporation may remove or alter the same as they think fit, first giving notice of such intended removal or alteration to the occupier of the building thirty days at least before such removal or alteration is begun, and if such obstruction or projection has been lawfully made they shall make reasonable compensation to every person who suffers damage by such removal or alteration.

Doors and gates not to open outwards.

67. The occupiers of buildings and lands in any street shall, at their own respective expense, from time to time, within fourteen days next after their respectively receiving notice in writing from the Corporation, cause all doors and gates for the time being leading into the buildings and lands in their respective occupations (not

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being cellar doors or trap doors) which open outwards, and when open project into or over any street, to be altered so as not to open outwards into any street, and if any such occupier fails to comply with such notice he shall be liable to a penalty not exceeding five shillings for every day during which such failure continues after the expiration of the time specified in such notice.

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

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

Cellar openings to be covered or secured.

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

determined in that behalf by the justice before whom he is convicted.

Regulations as to sockets, &c.

70. It shall not be lawful for any person to make, place, or continue any socket or plughole in any causeway, highway, or thoroughfare without the consent of the Corporation first obtained in writing, and where any person, with such consent, so makes, places, or continues a socket or plughole he shall repair the same immediately after being required so to do by the surveyor, and shall not at any time suffer the same to be without plug or cover, or properly guarded, as the surveyor directs; and if any person fails to comply in any respect with the requirements of the present section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which the offence continues after the expiration of twenty-four hours from the service of notice thereof on him.

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

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

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

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

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of twenty-four hours from the service of notice thereof on him by the Corporation.

Penalty for not lighting deposits of building materials or excavations.

73. It shall not be lawful for any person, without the consent of the Corporation first obtained, to lay any building materials, rubbish, or other thing, or make any excavation on or in any street or court, and when, with such consent, any person lays any building materials, rubbish, or other thing, or makes any excavation on or in any street or court, he shall at his own expense (if the Corporation so require) cause the same to be sufficiently fenced, and a sufficient light to be fixed in a proper place on or near the same, and to be continued every night from sunset to sunrise, and shall remove such materials or thing, or fill up such excavation (as the case may be), when required by the Corporation; and if any person fails to comply in any respect with the requirements of the present section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such failure continues after the expiration of twenty-four hours from the service of notice thereof on him by the Corporation, and the Corporation may remove any such materials or thing, or fill up such excavation (as the case may be), and recover the expenses from the offender.

Fencing of land unbuilt on.

74. The owner of any land vacant or unbuilt on adjoining to any street or court shall, when required by the Corporation, and to their satisfaction, sufficiently fence off the land from the street or court, and shall afterwards keep such fence in good repair to the satisfaction of the Corporation; and if he fails to fence or repair as aforesaid, within fourteen days after notice for that purpose given to him by the Corporation, the Corporation may fence or repair (as the case may be), and charge him with the expenses of so doing, and recover the same as new street expenses.

Lines, &c. of hoards.

75. Where any person under the foregoing provisions of this Act puts up in, on, or adjoining to any street or court any temporary hoard, fence, platform, handrail, scaffold, post, bar, rail, board, or other thing by way of inclosure, he shall put the same in such lines as the Corporation direct, and he shall not, without the consent of the Corporation, cause or permit the same, or any part thereof, to be used for the affixing of any placards, posting bills, or notices other than those of the Corporation; and if any person fails to comply in any respect with the requirements of this section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every twenty-four hours during which such failure continues after the expiration of twenty-four hours from the service of notice thereof on him by the Corporation.

Names of streets on Ramsden property.

76. Sir John Ramsden may determine the name of any new street or court formed from time to time after the commencement of this Act on his land within the Improvement Act area, provided he fix such name and signify it in writing to the Corporation along with the notice for the new street to be given according to this Act.

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

77. The Corporation may name any street or court, or any part of a street or court, which is without a name, or which bears two names, and may from time to time alter the name of any street or court, or of any part of a street or court (but as regards streets or courts of which the names are fixed under the provisions of the Improvement Act of 1848, or of this Act, relating to Sir John Ramsden's property, only with the consent of Sir John Ramsden), and may from time to time paint, engrave, or otherwise describe and place the name of any street or court, or of any part of a street or court, on a conspicuous part of any building or other erection at or near each end, corner, or entrance thereof, and number every building or other erection therein on the door thereof, or otherwise, as they think proper; and if any person wilfully destroys, obliterates, defaces, removes, or, without the consent of the Corporation, alters any such name or number, or any part thereof, he shall be liable to a penalty not exceeding forty shillings, and when any such number is defaced or rubbed out the occupier of such building or other erection shall immediately at his own expense cause the same to be reinstated, and in case he fails to do so for seven days after notice in writing given him to do so, the Corporation may reinstate the same and recover the expenses from him.

Register of alteration in names of streets.

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

IV.—NEW STREETS; IMPROVEMENTS OF STREETS; REBUILDING OF LONG BRIDGE.

Power to make new streets described, &c.

79. Subject to the provisions of this Act, the Corporation may make, in accordance with the deposited plans and sections, and maintain the new streets shown on those plans, comprising the following; (namely,)

First, a street from Aspley to Leeds Road;

Secondly, a street communicating between Kirkgate and Saint Peter's Street;

Thirdly, a street being a diversion of Rashcliff Hill Road;

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with all proper roadways, pavements, footways, sewers, drains, works, and conveniences connected therewith.

Power to stop up part of Rashcliff Road.

80. On the completion and opening for public use of the diversion of Rashcliff Hill Road aforesaid the Corporation may stop up and discontinue that portion of the same road which will be situate between its present junction with Woodhead Road and the point of commencement of the diversion aforesaid, and thereupon all public and other rights over the portion so stopped up shall be by virtue of this Act absolutely extinguished, and the soil of that portion shall vest in and belong to the Corporation as part of their corporate estates.

Power to widen streets described, &c.

81. Subject to the provisions of this Act, the Corporation may, in accordance with the deposited plans and sections, widen, alter, or otherwise improve the following streets and roads; (namely,)

The streets or roads severally called or known as Shorefoot, Shorehead, Aspley Road (including the bridge carrying the same over the canal at Aspley), Westgate, Kirkgate Viaduct Street, Saint John's Road, Chapel Hill, Engine Bridge Road (including the bridges carrying the two last-mentioned streets or roads over the Huddersfield canal and the river Colne), Beast Market, Lowerhead Row, Swan Lane (Lockwood), Woodhead Road (Lockwood), and Rashcliff Hill Road.

As to approach road to canal warehouse of London and North-western Railway Company.

82. In constructing the proposed alteration or improvement at Shorefoot and Aspley the Corporation shall construct and complete in all respects to the satisfaction of the engineer of the London and North-western Railway Company an approach road of eighteen feet wide to the canal warehouse and premises of the London and North-western Railway Company at Aspley, commencing at the south-east corner of that warehouse at the present level, and extending thence at a gradient of one in eighteen for a distance of thirty yards or thereabouts to the present road leading to the wharves of the said Company, which last-mentioned road shall be made from the point marked D on the deposited plan to the improved Aspley Road at Shorefoot at the gradient of one in nineteen; and the north-west corner of the junction between the said improved Aspley Road and the said road leading to the wharves shall be rounded off to a radius of twenty feet so as to give a better access to the said canal warehouse and premises; and the bridge over the canal and towing-path at Aspley shall be widened according to plans to be submitted to and approved by the engineer of the London and North-western Railway Company, and under his superintendence, and the Cor-

poration shall pay to the Company any additional expense of structural repairs of such bridge caused by such widening.

For protection of Huddersfield Canal at Engine Bridge.

83. In effecting the widening, altering, or improving of the street or road at Engine Bridge, including the bridge over the Huddersfield canal and towing-path, the canal lock at Engine Bridge shall be moved to such an extent to the westward of the improved bridge as may be necessary for the proper working of the outlet lock gates, and so that the handle of the lock gates may work clear of the boundary wall of the improved bridge, the removal of the present lock and the reconstruction of the new one in its stead to be executed and completed by the said London and North-western Railway Company at the expense of the Corporation, and the Corporation shall pay to the Company any additional expense of structural repairs of such bridge caused by such widening.

As to compensation to London and North-western Railway Company.

84. The London and North-western Railway Company shall be entitled to and be paid compensation for all land and buildings which may be taken and required for the purposes of the said improvements, and for all damages, as well actual as consequential, which may be sustained by them by reason or in consequence of the constructing and effecting the said several alterations and improvements at Aspley and Engine Bridge, such damages to be ascertained according to the provisions of "The Lands Clauses Consolidation Act, 1845."

Power to make minor works connected with new streets, &c.

85. Subject to the provisions of this Act, and in accordance with the deposited plans, or within the limits thereon defined, the Corporation, in connexion with the new streets and improvements by this Act authorised, or any of them, and for the purposes thereof, may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the new streets or improvements, or any of them, and may make diversions, widenings, or alterations of lines or levels of any existing streets, bridges, arches, or works for the purpose of connecting the same with the new or improved streets, or any of them, or of crossing under or over the same, or any of them, or otherwise: Provided always, that the Corporation shall make to the owners and occupiers of and all other parties interested in any lands or houses injuriously affected by any such interference with or alteration of existing streets, bridges, arches, or works, full compensation for all damage sustained by such respective owners, occupiers, and other persons.

Alterations of sewers,

86. In making the new streets and improvements the Corporation may raise, sink, or otherwise alter the position of any sewer, drain,

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gas and water pipes.

water pipe, or gas pipe belonging to or connected with any building adjoining or near to the site of any new or improved street, and also any main or other pipe laid down or used for carrying a supply of water or gas, and also any pipe, tube, wire, or apparatus laid down for telegraphic or other purposes, and may remove any other obstruction, causing as little detriment and inconvenience as circumstances admit, and making reasonable compensation for damage caused by any such alteration.

Removal of graves, &c. at Saint Peter's Church.

87. If in the making of the new street communicating between Kirkgate and Saint Peter's Street, and in widening Kirkgate, it is found necessary to interfere with any of the graves or vaults of the churchyard attached to Saint Peter's Church, the same shall be disturbed as little as possible, and the Corporation shall, with all reasonable dispatch, and at their own expense, cause the remains of any persons in any graves or vaults disturbed to be re-interred in the said churchyard, or in the burial ground by this Act vested in the Corporation, under the superintendence of the officer of health.

Agreements with Sir John Ramsden for streets.

88. The Corporation and Sir John Ramsden may from time to time make and carry into effect agreements for the contribution and payment of money by Sir John Ramsden to the Corporation for or towards the expense of the making of the streets and improvements of streets aforesaid, or any of them, and for the free granting by Sir John Ramsden to the Corporation of land required for the purposes thereof, and for the application by the Corporation of such money and land accordingly.

Removal of Long Bridge and construction of a new bridge.

89. Subject to the provisions of this Act, the Corporation may take down and remove the bridge over the river Colne, known as the Long Bridge of Huddersfield, and shut up or divert its approaches as existing at the commencement of this Act, and the Corporation may construct, in accordance with the deposited plans and sections, a new bridge over the said river Colne, and approaches thereto, with all proper works and conveniences connected therewith (which new bridge shall be also called the Long Bridge of Huddersfield), and thereupon all public and other rights over the land comprised in the approaches so shut up or diverted shall be by virtue of this Act absolutely extinguished, and the soil thereof shall vest in and belong ot the Corporation as part of their corporate estates.

Contribution by the wapentake of Agbrigg

90. The justices of the peace for the west riding, on behalf of the inhabitants of the wapentake of Agbrigg and Morley in that riding, shall, in pursuance of the order made in this behalf by the

court of quarter sessions for that riding on the sixth day of October one thousand eight hundred and sixty-nine, and by means of orders in quarter sessions, and by estreats to be duly made and levied according to law, contribute out of the rates, in the nature of county rates, upon the said wapentake the sum of three thousand pounds towards the expense of the construction of the new bridge, approaches, and works, and the same shall be paid to the Corporation at such time or times during the construction or after the completion of the new bridge, approaches, and works as the Corporation and justices of the riding in quarter sessions shall determine and agree upon, not exceeding two years from the completion of the bridge, of which completion a certificate of two justices for the west riding shall be conclusive evidence, and such a certificate any two such justices shall give on production of proper evidence in that behalf.

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and Morley towards new bridge.

91. The Corporation shall not interfere with the existing Long Bridge or its approaches, nor with the existing county bridge at Huddersfield called Engine Bridge, over the said river Colne, for the purposes of this Act, until they have obtained the approval of the surveyor of bridges of the west riding, in writing under his hand, of the plans and sections of the new Long Bridge, approaches, and works, and of the alterations and works at or in connexion with the said bridge called Engine Bridge, and all such works shall be constructed in conformity with such plans and sections, and to the satisfaction of the said surveyor.

Approval by west riding surveyor of works at Long Bridge and Engine Bridge.

92. On payment of the said sum of three thousand pounds the common law liability of the inhabitants of the said wapentake of Agbrigg and Morley to rebuild, maintain, and repair the Long Bridge and its approaches shall cease.

Cesser of liability by wapentake as to Long Bridge.

93. The liability for the maintenance and repair of the new Long Bridge and its approaches when completed shall be borne as follows; (namely,) as to so much of the bridge and the approaches and works thereof as is within the Improvement Act area by the inhabitants of that area, and as to the residue thereof by the inhabitants of the Mold Green district of the borough, in like manner as the liability for the maintenance and repair of highways within that area and district respectively is borne.

Liability for repair and maintenance of new bridge and approaches.

94. The Corporation may receive from Sir John Ramsden the sum of one thousand pounds as a contribution towards the expenses of the construction of the new Long Bridge and its approaches and works, and in consideration thereof and of a free grant to be made to the Corporation by Sir John Ramsden of the land required for those approaches, the Corporation shall without further considera-

Contribution by Sir John Ramsden.

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tion, but at the expense of Sir John Ramsden, convey to him all lands forming part of the approaches to the Long Bridge at the commencement of this Act, or acquired for the purposes of the new Long Bridge, approaches, and works, and not required for those purposes, for all the estate and interest of the Corporation therein, and all lands so conveyed to Sir John Ramsden shall be settled to the same uses as the land of which a free grant may be made as aforesaid by Sir John Ramsden to the Corporation was subject.

Crossing of Colne during construction.

95. During the construction of the new bridge, approaches, and works the Corporation shall maintain as convenient means of crossing the river Colne as the circumstances permit.

Power to deviate from levels, &c.

96. In making any of the works shown on the deposited plans the Corporation may deviate to an extent not exceeding three feet from the levels shown on the deposited sections, and may deviate laterally within the limits of deviation shown on the deposited plans, but not further, except with the consent of the person through whose lands any such deviation is to be made.

Time for completion of works.

97. If the works shown on the deposited plans are not completed within ten years from the commencement of this Act, then on the expiration of that period the powers by this Act granted to the Corporation for making the same, or in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Corporation to reinstate pipes of the Huddersfield Gas Company.

98. Before removing or displacing any main, pipe, plug, or other work of the Huddersfield Gas Company (except such mains, pipes, or plugs as from time to time become unnecessary by reason of the execution of this Act, and which may from time to time be removed by the Company at their expense, as the Corporation direct), the Corporation shall at their own expense lay a good and sufficient main, pipe, plug, or other work (other than private service pipes the property of the Company) proper and sufficient for continuing the supply of gas to all the customers of the Company who are entitled thereto, but the mains, pipes, plugs, and works shall be provided at the expense of the Company, and all such works shall be done to the satisfaction of the Company's engineer, and in accordance with the Acts relating to the Company.

Corporation to make good damage to gas company, and to compensate all parties for loss by interference with mains, &c.

99. The Corporation shall make good all damage done to any property of the Huddersfield Gas Company by the disturbance thereof, and shall make full compensation to them for any loss or damage which they may sustain by reason of any interference by the Corporation or their contractors with the mains, pipes, or works of the said Company, except the same arise from the wilful neglect or default of the Company or the party claiming compensation.

V.—BUILDINGS.

New buildings.

100. For the purposes of this Act any building the erection whereof is begun after the commencement of this Act shall be considered a new building, and the re-erecting of any building pulled down to or below the level of the ground floor thereof, or of any building of which only the framework is left down to the ground floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, shall be considered the erection of a building.

Measurement of front elevation.

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

Height of buildings in street.

102. A building shall not, except with the consent of the Corporation, be erected on the side of any new street exceeding in height the distance from the front of the building to the opposite side of the street, nor, except as aforesaid, shall the height of any building so erected be at any time subsequently increased so as to exceed the height aforesaid.

Notices, plans, &c. of new building.

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

(1.) A drawing of the front elevation of the building on a scale of not less than one inch to eight feet:

(2.) A detailed plan and section of the building on a scale of not less than one inch to eight feet, showing the positions and forms of the several parts and windows, and the thickness of the walls, with figured dimensions of the several parts, the waterclosets, privy, drains, cesspool, ashpit, well, and all outbuildings and other appurtenances, and showing the then and also the intended level of the ground line of the yard or other ground belonging thereto, and the levels of the several floors of the intended buildings:

(3.) A description of the intended mode of drainage and means of water supply:

(4.) A block plan on a scale of not less than one inch to forty-four feet, showing the position of all buildings within three feet of each boundary of the intended building, and of its yard or other ground belonging thereto, and the width and level of the street:

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Every such drawing, every such plan, and every such section shall contain the name and address of the person intending to erect the building, and be signed by him or his authorised agent, and shall be deemed for purposes of this Act part of the notice, and every such notice shall be accompanied by a duplicate thereof, and every such drawing, and every such plan, and every such section shall be accompanied by a duplicate or tracing therof, and every such duplicate or tracing shall be retained by and shall be the property of the Corporation, and every such notice, drawing, plan, and section shall be delivered back to the person giving the notice, having been first stamped or otherwise marked so as to indicate the fact and date of the leaving of the notice, drawing, plan, and section at the surveyor's office.

Approval or disapproval by Corporation.

104. The Corporation shall approve or disapprove of an intended new building within twenty-one days after receipt of the notice required by this Act, and if they do not disapprove within that period, then at the end of that period they shall be taken to have approved.

Effect of approval.

105. Nothing in an approval by the Corporation of an intended new building shall be taken to authorise the erection of the building, or the doing of anything relative thereto or in connexion therewith, in any manner contrary to any of the provisions of this Act, or of any byelaw thereunder, except so far as may be specially sanctioned by the approval.

Duration of approval.

106. If an intended new building approved by the Corporation is not completed within three years from the time of approval the approval shall at the expiration of that period cease to operate, and fresh notice and approval shall be requisite as if notice and approval had never been given.

Thickness of walls, &c.

107. The walls of every new building shall be constructed of such thicknesses as the Corporation in each case determine. Where not otherwise prescribed the outer walls shall be not less than sixteen inches thick if built of stone, and nine inches if built of brick, and the party or division walls or other walls dividing tenements shall extend from the foundation of the building, which foundation shall rest on solid ground, or on concrete or other solid substructure, and such party or division walls shall be not less than twelve inches thick if built of stone, and nine inches if built of brick, except in the case of cottage dwellings of not exceeding ten pounds per annum rateable value, in which case such party or division walls shall be not less than six inches thick, whether built of stone or of brick.

Materials of external walls.

108. The external and party or side walls of every new building shall be constructed of brick, stone, or other hard and incombustible substances, unless the Corporation otherwise allow in cases in which it appears to them that no danger would exist of the spread of fire.

Woodwork in external or party walls.

109. No joists, beams, or other woodwork fixed in or upon any external or party wall, except beams or brestsummers, and story posts under the same, and frames of doors, and windows of shops, shall be brought within four inches at least of the external face of such wall, unless with the previous sanction of the Corporation.

Roofs.

110. The roof or flat of every new building, and every gutter, dormer, and other work or construction connected therewith, except the doors, door frames, windows, and window frames of such dormer, and other construction, shall be formed of or externally covered with incombustible materials, except in special cases when otherwise allowed by the Corporation.

Construction of chimneys, &c.

111. The chimneys and flues of every new building shall be constructed in such mode and of such materials and dimensions as shall from time to time be determined or approved by the Corporation. Unless otherwise prescribed or ordered every chimney or flue shall be constructed of good brickwork or stonework, and mortar well grouted, and if circular must be formed of earthenware pipes of not less than ten inches diameter set in mortar, and if not circular must be pargetted with mortar, and not less than fourteen inches by twelve inches clear interior measurement. No chimney or flue shall have angles less obtuse than one hundred and twenty degrees, except when proper iron or stone doors or openings are left for cleaning purposes. No timber or woodwork shall be placed within nine inches, or wooden plugs driven nearer than six inches, of the inside face of any chimney or flue, and no opening shall be made in any chimneys or flues for any purpose, nor pipe for conveying smoke, heated air, steam, or hot water, fixed in any new building, except of the materials and in the manner to be submitted to and specially approved by the Corporation.

Construction of fireplaces, &c.

112. Every fireplace in any room with a board floor shall have the hearth or slab of such fireplace bedded on brick, stone, or other incombustible substance, which shall be solid for a thickness of six inches at the least beneath the upper surface of such hearth or slab, and such slab shall extend in breadth at least six inches on each side beyond the opening of the fireplace, and shall extend from the back of such opening to a distance of eighteen inches at least in front of the chimney breast.

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Construction of buildings over roads, &c.

113. In the case of buildings erected in any part thereof over roads, ways, or passages, the dividing walls and chimney breasts and flues, if any, over such roadway or passage shall in no case rest upon or be supported by timber, but shall be arched under with arches not less than eight inches and a half in thickness over such ways, roads, or passages, with good sound brick or stone arches, or supported with stone or iron supports of sufficient strength and according to the directions to be from time to time given by the surveyor.

Construction of chimney shafts.

114. No chimney shaft of any new building shall, except with the special approval of the Corporation, exceed the height of six feet above the outside of the roof of such building, measuring upwards from the centre of such chimney immediately above the roof, unless the same be secured by sufficient iron stays of such strength and dimensions and to be fixed in such manner as shall be approved of by the surveyor, or unless the same be built with another chimney shaft back to back, of such height and of such strength and dimensions as shall be approved by the surveyor. Nor shall any such chimney shaft above such roof be of less dimensions than twenty-two inches on any one side thereof; but nothing in this section shall apply to the chimney shaft of any detached building distant eighteen feet or upwards from any public street or way, or of any steam engine or manufactory the chimney shaft of which has been or shall be erected of such strength and dimensions and in manner satisfactory to and approved by the Corporation.

Construction of chimneys for trade, &c.

115. The height and dimensions and structural thickness of all chimneys intended to be erected and used after the commencement of this Act for purposes of trade or manufacture shall be subject to the approval of the Corporation, and shall be from time to time regulated and determined by them.

Raising of chimneys, &c.

116. In case any building is after the commencement of this Act erected or raised to a greater height than the adjoining building, and any flues or chimneys of the adjoining building are against or in the outer or party wall against the building so erected or raised, the person erecting or raising such building shall, at his own expense, build up those flues and chimneys so that the top thereof may be of the same height as the tops of the chimneys of the building so erected or raised.

Construction of ovens, &c.

117. Every oven belonging to any baker, and every furnace belonging to any smith, tradesman, or artificer, shall have a protecting wall of not less than nine inches in thickness between the

fire of the oven or furnace and the side or end wall, party wall, or outer wall, as the case may be, of the building in which such oven or furnace may be, and such protecting wall shall be so constructed and be of such height, depth, and breadth above, below, and beyond the oven or furnace as the Corporation direct.

Space in front of dwelling-houses.

118. It shall not be lawful for any person to erect any new dwelling-houses with their fronts facing each other separated from each other by a space of less than eight yards, or to erect dwelling-houses in a court without making or leaving a passage or entrance to the court from a street at least three yards wide.

Passage between yards of back-to-back houses.

119. Where the backs of dwellings in one street are opposite the backs of dwellings in a street parallel or nearly parallel thereto, there shall be (except in special cases at the discretion of the Corporation) a passage or road at least twelve feet wide between the yards of such dwellings, uncovered throughout its length, and communicating at each end with a street; the entire space between the backs of such opposite dwellings, including the open yards and the passage or road aforesaid, shall be at least twelve yards wide, and no buildings exceeding ten feet six inches in height from the level of the ground to the ridge of the roof shall be erected on any portion of such space.

Houses in pairs.

120. Not more than four houses, two to front the street and two at the back thereof, shall be built with the intended use in common of one yard, and between every such two pairs of houses there shall be a passage from front to back not less than the height of one storey, and not less than three feet six inches wide, leading from the street into the yard. In every such yard there shall be for each house one privy, and one ashpit for each two privies, and every such yard shall be surrounded with a wall at least four feet high.

Open space about dwellings.

121. Every new building intended to be used as a dwelling-house shall have in the rear or at the side thereof an open space adjoining and belonging exclusively thereto and co-extensive with the breadth of the entire building to the extent of at least one fourth of the whole site, free from any erections thereon above the level of the ground, (other than privies, ashpits, coal-houses, or other conveniences for the use of such dwelling-house, being as to height, position, and dimensions erected and approved by the Corporation,) except where on account of thorough ventilation of such open space being secured, or of other special circumstances stated in the order, the Corporation think fit to allow a less space. The distance across such open space between every such dwelling-house and the building or property on the opposite side of such open space shall be not less than ten feet at all points in the case of one-storey

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houses, and fifteen feet in the case of two-storey houses, and twenty feet in the case of three-storey houses, or houses of more than three storeys above the level of the ground.

Certain dwelling-houses excepted.

122. The last foregoing section shall not extend to a building erected after the commencement of this Act, for the purpose of being used as a dwelling-house, on the site of a dwelling-house existing at the commencement of this Act, but with respect to such buildings the following provisions shall have effect; (namely,)

Where at the time of the taking down of the dwelling-house existing at the commencement of this Act there is such an extent of open space as required by that section, or a greater extent, such building shall have the same open space in the rear or at the side thereof as so required:

Where at that time there is not such open space, then the open space in the rear or at the side thereof shall not be less than that which existed at the time of such dwelling-house being taken down.

Continuance of open space.

123. Whenever any open space has been left belonging to any building for the erection of which the approval of the Corporation has been obtained, such space shall never afterwards be built on so as to leave a less open space than that shown on the deposited plan approved by the Corporation, without their further approval.

Continuance of space for old dwelling-houses.

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

Where such a dwelling-house has an open space belonging to it not greater than that required by this Act for new dwelling-houses, that space, or any part thereof, shall never be built on without the approval of the Corporation:

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

Buildings in new streets.

125. Before any dwelling-house is inhabited in a new street the street shall be formed, drained, and metalled to the satisfaction of the Corporation to such extent as the Corporation direct, according to the circumstances of each case; and if any person allows or causes any dwelling-house to be inhabited in contravention of this section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shilings for each day during

which the offence continues after the expiration of forty-eight hours from service of notice thereof on him by the Corporation. A.D. 187

Height of rooms.

126. Unless the Corporation otherwise allow, in every new building every room used as a dwelling or sleeping room below or partly below the level of the ground shall be in every part thereof eight feet six inches in height at least from the floor to the ceiling, and every other room so used, except rooms in the roof, shall be in every part nine feet in height at least from the floor to the ceiling, and every room in the roof so used shall be at least seven feet in height from the floor to the ceiling through not less than one half the area of the room.

Windows in rooms.

127. In a new building every room used as a dwelling or sleeping room shall have at least one window, and the total area of glass in the windows, clear of the frame and sash, shall be, unless in any case the Corporation otherwise determine, at least one tenth of the area of the room, and the top of one at least of the windows shall not be less than seven feet six inches above the floor, and in case of a sash window the upper half at least shall be made to open the full width, and in case of a casement window one half at least shall be made to open.

Ventilation of public buildings.

128. Every public building, school, shop, and factory erected after the commencement of this Act shall be supplied with means of ventilation approved by the Corporation, and every room in any house or other building used after the commencement of this Act as a day school shall, unless supplied with special means of ventilation to the satisfaction of the Corporation, be so used, subject to the following regulations; (namely,) if the room is less than eight feet six inches in height from the floor to the ceiling, the space for each scholar shall be nine superficial feet at least, and if it is eight feet six inches or upwards in height, the space for each scholar shall be eight superficial feet at least.

Construction of buildings for public amusement, &c.

129. Every new building intended to be used as a place of public amusement or entertainment, or for holding large numbers of people for any purpose whatsoever, shall in its apparatus or means of provisions for lighting and warming, and for prevention of or precautions against fire, and in the number and dimensions of its entrances, staircases, and means of access or of egress in case of fire, as well as its ventilation and means of supplying fresh air, be subject to the approval of the Corporation. In all such public buildings the doors shall be made to open outwards or in the direction of egress, but the outer doors shall not extend over the footway of any street.

Ventilation of habitable rooms.

130. Every room used as a dwelling or sleeping room built after the commencement of this Act of less area than one hundred super-

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ficial feet, and without a fireplace, shall be provided with special means of ventilation by air shaft or otherwise, as the Corporation determine.

Prevention of damp from foundations.

131. Where a new building intended or adapted for a dwelling-house is erected on land on which no dwelling-house had been previously erected, or on land theretofore used either as garden ground or as a yard, or on maiden soil, then and in each of those cases, unless the Corporation otherwise order, the soil must be excavated and removed to the depth of fifteen inches at least from the floor line, and, if required by the Corporation, a layer of concrete, clinkers, or other proper hard material of the thickness prescribed by the Corporation shall be spread thereon and well rammed before the floor is laid, and, unless the Corporation otherwise order, every new house shall have a course of blue bricks or slate set in cement, or of lead, or of other impervious material for the prevention of damp, laid immediately above the ground line on each external wall.

Areas to be open.

132. In any building erected after the commencement of this Act, in which the floor of any room or cellar intended to be used as a dwelling or sleeping room is below the street or ground level, there shall be an open area not less than three feet wide from a level six inches below the floor level of such room or cellar to the ground or street level for the whole extent of such room or cellar, but this section shall not be taken to prevent any archway or covering from being laid across such area for the purpose of an approach to the doorway or windows of such house.

Level of ground floors.

133. The level of the ground floor of every dwelling-house built after the commencement of this Act shall be at least twelve inches above the highest level of the footway or road adjoining or near the same.

Drainage of buildings.

134. All houses and buildings (whether erected after the commencement of this Act or not) which in the opinion of the Corporation are without sufficient drainage shall be drained in the most effectual manner practicable, and the mode of drainage, and all materials intended to be used in the construction of the drainage of buildings, shall be subject to the approval of the Corporation.

Occupation of new houses.

135. A new house shall not be occupied until the house drainage is completed, nor until the house has been approved by the Corporation as in every respect fit for human habitation.

Construction of house drainage.

136. The drains of all houses and buildings shall consist of glazed, socketed, stoneware, or fireclay pipes, or other equally suitable material in the judgment of the Corporation, of not less than six inches diameter interior measure, and shall be connected with

the sewers in such manner as the surveyor directs. They shall be laid with water-tight joints, and shall be embedded in and surrounded with well-puddled clay. No right angle junctions, whether vertical or horizontal, shall be formed.

Ventilation of house drainage.

137. Proper ventilation shall, if required by the Corporation, be provided in the drainage of every house by means of the rain-water pipe, or by special pipe or shaft, or by such other method as the Corporation directs. All other inlets to the house drains shall be properly trapped by means of syphon traps.

Drainage of subsoil, &c.

138. The house drainage shall be so constructed, either with additional earthenware pipes or otherwise, as to drain the subsoil of the buildings whenever the dampness of the site appears to the Corporation to make this necessary, and all rain water shall be so drained or conveyed from the roofs, cornices, and other parts of buildings as to prevent its dripping on to the ground, or causing dampness in the walls, or being a nuisance to passengers.

Construction of watercloset, &c.

139. There shall be at least one watercloset or privy, and one ashpit, for every two dwelling-houses. The situation, dimensions, materials, and construction of every watercloset and privy shall be subject to the approval of the Corporation, and every watercloset or privy shall have an opening of at least twelve square inches as near to the top as practicable communicating directly with the external air, or shall be otherwise furnished with sufficient means of ventilation, and every watercloset shall have a ventilating pipe carried from the soil pipe to the roof of the building.

Earth-closets may in certain cases be constructed instead of watercloset.

140. Any provision of this Act, or of any other Act in force in the borough, requiring the construction of a watercloset, shall, with the approval of the Corporation, be satisfied by the construction of an earth-closet or other place for the reception and deodorization of fæcal matter made and used in accordance with any regulation from time to time issued by the Corporation, and the Corporation may, as respects any house in which such earth-closets or other places as aforesaid are in use, with their approval, dispense with the supply of water required by any contract or enactment to be furnished to the waterclosets therein on such terms as may be agreed on between the Corporation and the person providing the earth-closet.

Construction of cesspools, &c.

141. A cesspool shall not be allowed for a new house, except when unavoidable, when it shall be constructed in such situation and in such manner as the Corporation direct. It shall in every case be made water-tight. It shall be arched or covered over, and a pipe or shaft for ventilation shall be carried up from it, or from the drain communicating with it, from the watercloset or privy.

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Certain waterclosets to be constructed in factories, &c.

142. If at any time it appears to the Corporation on the report of the surveyor that any building is used or intended to be used as a factory or workshop, or place in which persons of both sexes are employed or intended to be employed at one time in any manufacture, trade, or business, the Corporation may, if they think fit, by notice served on the owner or on the occupier thereof, require him, within a time specified in the notice, to construct such number of waterclosets or privies and urinals for the separate use of each sex as the Corporation direct; and if any person neglects or refuses to comply with any such notice he shall for every such offence be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding forty shillings for every day during which the offence continues after the expiration of forty-eight hours from service of notice thereof on him by the Corporation.

Construction of ashpits, &c.

143. The situation, dimensions, materials, and construction of every ashpit shall be subject to the approval of the Corporation, and shall be of sufficient size to contain the ashes and dry refuse likely to accumulate between the prescribed visits of the scavengers.

Prohibition of thatch.

144. If any person covers any dwelling-house, or any building adjoining to any other building, either wholly or in part with straw, thatch, or other combustible material, he shall be liable to a penalty not exceeding ten pounds, and the Corporation may order such straw, thatch, or other combustible material to be removed by the owner of such building, and in default the Corporation may remove the same and recover the expenses of so doing from such owner.

Restrictions as to pipes and funnels for conveying smoke.

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

Power to vary details of buildings, &c.

146. The Corporation may vary, as they think fit, the intended details and materials of any new building so as to make the same

accord with the provisions of this Act, and of any byelaw thereunder, or with the requirements of public health and safety.

Power of inspection.

147. The surveyor may at any reasonable time inspect any building in progress of construction, or any work connected therewith, but the owner or his agent, or the builder, shall give forty-eight hours notice in writing to the surveyor before the commencement of the building, and before any foundation of a new building or any sewer or drain is covered up, and the like notice after any work required by the Corporation to be done in amendment of any irregularity has been completed, and before the same is covered up.

Survey on completion of works.

148. Within fourteen days after a building has been completed the owner shall give notice thereof to the surveyor, and the surveyor shall forthwith proceed to survey it, and shall report to the Corporation thereon.

Notice in case of irregularity.

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

Penalties relative to new buildings.

150. If anyperson begins to erect a new building without giving the notice required by this Act, or before the expiration of twenty-one days from the receipt by the Corporation of that notice, if given, or the previous approval of the Corporation, or begins to erect a new building which has been disapproved by the Corporation, or, after the Corporation has approved of a new building, makes, either before or after completion thereof, any alteration in the whole or in any part thereof so approved, without further previous approval by the Corporation of the alteration, or does anything in contravention of this Act, or omits to do anything required by this Act, or by the Corporation or surveyor under the authority of this Act, with reference to a new building, he shall be liable to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding forty shillings for every day during which such offence continues after the expiration of twenty-four hours from service of notice thereof on him by the Corporation.

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Respecting existing contracts for building.

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

Alteration of contracts for building.

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

VI.—BYELAWS AS TO STREETS AND BUILDINGS.

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

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

For laying down regulations with respect to the level, width, and construction of new streets and courts, and the provision to be made for the drainage thereof:

For laying down regulations with respect to the structure of walls of buildings for securing stability and the prevention of fire:

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

For laying down regulations with respect to the drainage of buildings, and to waterclosets, privies, ashpits, and cesspools in connexion with buildings, and to their situation:

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

Power to make byelaws with respect to

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

For regulating the thickness and construction of walls of or near ovens and furnaces built, or wholly or partially rebuilt, after the commencement of this Act: — new and old buildings.

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

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

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

And byelaws for purposes of this section may affect any building, whether new or not.

155. Subject to the express provisions of this Act, the Corporation may provide for the observance of any byelaws made under the two last foregoing sections by inserting therein such provisions as they think necessary— Provisions in byelaws for notices, &c.

As to the giving of notices;

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

As to inspection by the Corporation;

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

VII.—SEWERS; SANITARY ARRANGEMENTS.

156. All existing and future public sewers within the borough, and all existing and future sewers in and under the streets and courts, with all the works and materials thereunto belonging, whether made or provided at the cost of the Corporation, or otherwise, and the entire management of the same, with the appurtenances, shall vest in and belong to the Corporation, and the Corporation shall maintain, cleanse, and flush the same. Sewers and works vested in Corporation.

157. The Corporation may from time to time make the sewers necessary for the effectual sewerage of the borough, and convert any open drains or watercourses into sewers, and construct all works necessary for cleansing or flushing sewers, and may make any such sewers under the streets in the borough, and, if needful, they may carry sewers through and across underground cellars and vaults under any streets in the borough, doing as little damage as may be, and making full compensation for any damage done, and they may Power to construct sewers within or beyond borough.

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continue sewers to the most convenient site for the collection of sewage, and the disposal thereof by sale for agricultural or other purposes, or otherwise, but so that the same in no case become a nuisance, and so that no site for the collection of sewage or the disposal thereof shall be taken without the previous consent in writing of the owner of such site; and if for effecting any of the purposes aforesaid the Corporation deem it expedient to carry or construct any sewer or work under, through, or on any road, thoroughfare, or place beyond the borough, or through, under, or on any lands within or beyond the borough, the Corporation may so carry or construct the same accordingly, and remove all obstructions thereon or thereunder, making full compensation to the owners and occupiers of any such lands.

Disposition of sewage.

158. The Corporation, for the purpose of clearing, cleansing, and emptying the sewers belonging to them or under their management, from time to time may construct and place, either above or under ground, such reservoirs, sluices, engines, and other works as may be necessary, and may cause all or any of such sewers to communicate with and be emptied into such places as may be fit and necessary, and may cause any sewage or refuse therefrom to be collected for sale for any purpose whatever, and may contract with any company or persons for the sale of sewage or for the distribution of it over any lands, and may contract for, purchase, or take on lease any lands, buildings, engines, materials, or apparatus for the purpose of receiving, storing, disinfecting, or distributing sewage, and may exercise the powers given by this section either within or beyond the borough, but not so as to create a nuisance.

Contract for supply of sewage.

159. The Corporation may from time to time, for the purpose of utilising sewage, agree with any person as to the supply of such sewage, and works to be made for the purpose of that supply, and the parties to execute the same, and to bear the costs thereof, and the sums of money, if any, to be paid for that supply; and the Corporation may contribute to the expense of the carrying into execution by such person of all or any of the purposes of such agreement, and may become shareholders in any company with which any agreement in relation to the matters aforesaid is entered into by the Corporation, or to or in which the benefits and obligations of such agreement is transferred or vested; and all expenditure in consequence of the exercise of the power conferred by this section shall be deemed to have been incurred by the Corporation in the construction or due maintenance of the necessary sewers for carrying away sewage, and shall be provided for accordingly; but no contract shall be made under this section for the supply of sewage for a period exceeding twenty-five years.

Power to deal with land appropriated to sewage purposes.

160. The Corporation may deal with any lands held by them for the purpose of receiving, storing, disinfecting, or distributing sewage in such manner as they deem most profitable, either by leasing the same for a period not exceeding fourteen years for agricultural purposes, or by contracting with some person to take the whole or a part of the produce of such lands, or by farming such lands and disposing of the produce thereof, subject to this restriction, that in any appropriation of such lands provision shall be made for receiving, storing, disinfecting, or distributing all the sewage which it is the duty of the Corporation to cause to be disposed of in that manner.

Nothing in Act to authorise a nuisance.

161. Nothing in the foregoing provisions contained shall authorise the Corporation to do or be party to any act or thing amounting to a nuisance.

Prohibition of throwing injurious matter into sewers, &c.

162. It shall not be lawful for any person to cause or suffer any refuse from any manufactory or work that would be destructive of or injurious to vegetation, or that would otherwise interfere with the utilization of the sewage of the borough, to flow or to pass into any sewer of the Corporation or to flow or pass into any drain, channel, or watercourse communicating with any such sewer, in such manner that the same will be carried by, through, or out of such drain, channel, or watercourse into any such sewer; and if any person is guilty of any act or omission in contravention of this section he shall be liable to a penalty not exceeding twenty pounds, and in case of a continuing offence to a further penalty not exceeding forty shillings for every day during which such offence continues after the expiration of a time to be determined in that behalf by the justice before whom he is convicted: Provided that any person charged with an offence against this section shall not be convicted thereof, if he shows to the satisfaction of the justice before whom he is charged that he has duly used the best known practicable means of depriving the refuse from his manufactory or work of qualities that would make it destructive of or injurious to vegetation, or likely to otherwise interfere with the utilisation of the sewage of the borough.

Power to enlarge or demolish sewers.

163. The Corporation may from time to time, as they see fit, enlarge, alter, divert, and otherwise improve all or any of the sewers vested in them or constructed by them, and under their control, and if any such sewer at any time appears to them to have become useless, they may, if they think fit, demolish and discontinue it, but not so as to create a nuisance; and if by reason of the exercise of the powers of the present section any person is deprived of the lawful use of any sewer, the Corporation shall provide some other sewer as effectual for his use as the one of which he is so deprived.

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Compensation for works connected with sewers.

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

Penalty for making unauthorised drains.

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

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

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

Sewers may be made by owners and occupiers of land beyond borough.

167. Where any person is the owner or occupier of any building or lands outside the borough in respect of which he would not be liable to the payment of rates under this Act, he may, with the consent of the Corporation first obtained in writing, on payment to them of a reasonable sum of money, periodically or in gross, to be agreed on, have a communication into a sewer of the Corporation of any sewer or drain for the purposes of his building or lands aforesaid that may be lawfully made therefrom; but nothing in this Act shall affect any right acquired by such owner or occupier independently of this Act to use any sewer of the Corporation.

Deduction from rate for building, &c. sufficiently drained.

168. If it appears to the Corporation that any building or land was sufficiently drained before the construction of any new sewer laid down by the Corporation, they may deduct from the rates otherwise chargeable in respect thereof such a sum and for such time as under all the circumstances of the case they deem just.

Penalty on throwing rubbish into sewers.

169. If any person throws or permits to fall into any sewer or drain any cinders, ashes, bricks, rubbish, stone, earth, or other like substance, he shall be liable to a penalty not exceeding forty shillings, and the Corporation may remove the same and repair any damage caused thereby, and recover the expenses of so doing from the offender.

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

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

Corporation may require owners of houses to provide privies and ashpits for the same.

171. The Corporation shall require the owner of every house within the borough to which no sufficient privy and ashpit with proper door and coverings is attached to provide, where it appears to them that there is room enough for the purpose, such privy and ashpit, in such situation, not disturbing any building then already erected, as the Corporation deem necessary for the use of the inmates and occupiers thereof, and the owner shall, within one month after service of such requisition, provide the same; and every such privy and ashpit shall be constructed to the satisfaction of the Corporation so as effectually to prevent the escape of the contents thereof; but where a privy or ashpit is used in common by the inmates and occupiers of two or more houses the Corporation may, if they think fit, dispense with the provision of a privy or ashpit for each house.

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

172. All drains, privies, ashpits, and cesspools shall be under the survey and control of the Corporation, and shall be altered, repaired, and kept in proper order, as directed by the Corporation, by and at the expense of the owners of the lands and buildings to which the same belong, or for the use of which they are constructed or continued.

Connexion of drains with sewers.

173. The Corporation may by notice require the owner of any building or lands (not being lands used exclusively for agricultural purposes) in their opinion insufficiently drained to construct a drain in such position, of such size and materials, and at such levels, as seem to the Corporation sufficient for the purpose of effectually draining the same; and if the Corporation have a suitable sewer, or the right to use such a sewer, within one hundred feet from such building or the boundary of such lands, they may require such owner to connect his drain with that sewer, or if they have not any suitable sewer or right to use such a sewer within that distance, then to connect it with some proper receptacle, not being underneath a house, and not being at a greater distance than the one hundred feet aforesaid; and the owner shall keep such drain in repair, and from time to time cleanse the same, to the satisfaction of the Corpo-

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ration: Provided that nothing in this section shall make it obligatory on any such owner to acquire any land or easement for the purpose of constructing any drain or receptacle, or of connecting any drain with any sewer.

Provisions respecting construction of drains.

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

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

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

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

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

175. When in the opinion of the Corporation there is reasonable ground to believe that the drainage of any building or of any lands (not being lands used exclusively for agricultural purposes) is defective, and in any case where the drains for any building or lands pass through any other building or lands, the surveyor or sanitary inspector may, between the hours of eight o'clock in the morning and six o'clock in the evening, enter on and inspect any such building or lands, and if need be make such excavations or examination thereon or therein as he thinks fit with a view of ascertaining the state of the drainage thereof, and of any privy, ashpit,

or cesspool belonging thereto or used by the occupiers thereof, doing as little damage as possible; and if on such inspection the same is found satisfactory the Corporation shall reinstate all parts of the building and lands disturbed or excavated, and shall make compensation for any injury occasioned by the exercise of such powers; but except in case of urgent necessity no such entry and inspection shall be made, save with the consent of the occupier or person in charge of the premises, or with the authority in writing of a justice, which authority any justice may give.

Power to sewer authorities to combine.

176. The Corporation and any other body being a sewer authority within the Sewage Utilisation Act, 1865, or any Act amending the same, may combine together for the purpose of executing and maintaining any works that may be for the benefit of their respective districts, and all money which they agree to contribute for the execution and maintenance of such common works shall, in the case of the borough, be deemed expenses of the execution of this Act, and in the case of the sewer authority be deemed expenses incurred by them in the execution of works within their district, and shall be raised accordingly.

Power for Corporation to execute works in adjoining places.

177. The Corporation may, with the consent of the local board of any district adjoining to the borough, or with the consent of any place maintaining its own poor adjoining to the borough, do or execute in that district or place any work or thing which the Corporation may do or execute within the borough, on such terms, as to payment and other things, as may be agreed on, subject and according to the following provisions; (namely,)

(1.) Any money agreed to be paid by a local board under this section shall be payable out of the general district rates leviable by them, and any money agreed to be paid by any local authority of any such place under this section shall be payable out of the rates leviable by that authority for the expenses of executing the Nuisances Removal Act, 1855, or other rates leviable by them:

(2.) The consent of any such place to any work or thing proposed to be done under this section shall be signified in the manner in which the consent of that place to the adoption of the Local Government Act, 1858, would under that Act be properly signified:

(3.) Where the expenses of any such work or thing would, if it had been executed in the district of a local board under the powers of the Local Government Act, 1858, have been recoverable from owners or occupiers, the same shall be recoverable by the local board or local authority of the district or place respectively from such owners or occupiers:

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(4.) The local board or local authority shall make all such compensation to owners or occupiers and others injuriously affected by any work or thing done or executed under this section as a local board is liable to make in case of works executed under the powers of the Local Government Act, 1858, the amount thereof to be determined in manner provided by that Act.

Powers of Act cumulative.

178. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on the Corporation in relation to sewers by Act of Parliament, law, or custom, and the Corporation may exercise such other powers as if this Act had not been passed.

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

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

Occupiers to cause footways to be swept.

180. The occupiers of buildings and lands (not being arable, meadow, or pasture land, or a nursery or market garden) in every street or court shall once in every day (Sundays excepted), before eight of the clock in the forenoon of each day, cause to be swept and cleansed the footways and pavements in front or at the side of their respective buildings and lands; and if any such occupier makes default herein he shall for every such offence be liable to a penalty not exceeding five shillings, and for this purpose, where a house is let in separate apartments, the person letting such apartments shall be deemed the occupier.

Power to appoint or contract with scavengers.

181. The Corporation shall, either for the whole borough or for any parts or part thereof as they from time to time think fit, make provision for the sweeping, cleansing, and watering of the streets and footways, and for the carrying and removing of snow, ice, dirt, dust, dung, cinders, ashes, rubbish, filth, and soil away therefrom, and from houses, and for emptying privies, cesspools, and ashpits, but so that nothing in this Act shall authorise the Corporation to carry away or remove any dung from any stable or cowshed without the consent of the occupier thereof; and if any contractor with the Corporation for the purposes aforesaid, or any of them, or any person employed by or acting under any contract or agreement with him, fails in any respect properly to perform the stipulations of any such contract the contractor shall be liable to a penalty not exceeding five pounds, and each instance of such failure in respect of any

or every street, footway, house, privy, cesspool, ashpit, or place shall be deemed a separate offence.

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

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

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

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

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

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

Charge for emptying ashpits, &c.

185. The Corporation may make a reasonable charge on the occupier of the building to which a privy, cesspool, or ashpit belongs for the emptying of the same.

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

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

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

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

Public privies and urinals.

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

Urinals attached to public-houses &c.

188. The Corporation may order the occupier of any inn, public-house, beerhouse, eating-house, cook-shop, or other place of public entertainment built before or after the commencement of this Act,

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to provide and maintain at a place belonging to or occupied by him, to be selected by the Corporation, upon or adjoining to his premises, urinals to the satisfaction of the Corporation; and if any person fails in any respect to comply with the provisions of the present section he shall be liable to a penalty not exceeding five shillings for every day during which such failure continues after the expiration of fourteen days from the service of such order on him, and the Corporation may order the owner and occupier of any building or lands to remove any urinal belonging thereto where it appears to them so situated or constructed as to be a nuisance or offensive to public decency, or otherwise objectionable.

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

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

Cleansing water-courses, &c. forming boundaries of borough.

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

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Buildings unfit for habitation.

191. In any case where it is certified to the Corporation by the officer of health of the borough, or by the surveyor, or by the sanitary inspector, or by any two registered medical practitioners, that any building or part of a building, including any building belonging to a railway company in the borough, is unfit for human habitation, the Corporation 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 shall not after a date therein specified be inhabited; and no person after the date or time mentioned in such order shall let or occupy, or continue to let or occupy, or knowingly suffer or permit to be occupied, such building or part of a building; and if any person acts in any respect in contravention of this provision he shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding forty shillings for every day during which such offence continues: Provided that if at any time after such order is made the Corporation are satisfied that such building has become or been rendered fit for human habitation, they may revoke their order, and the same shall thenceforward cease to operate, and so toties quoties: Provided always, that the Corporation shall not make any such order in respect of or affecting any building or part of a building belonging to a railway company, unless and until the railway company shall for a period of one month after they have been served with notice requiring them to render such building fit for human habitation have failed to do so. Every such notice shall be in writing, and shall be delivered or sent by post addressed to the secretary of the railway company at their principal office or place of business.

Restrictions in use for dwellings of under-ground rooms.

192. For preventing the use for human habitation of any under-ground room unfit for that purpose (and which expression "under-ground room" means, for the purposes of this enactment, every cellar, vault, or room which has more than one half of its height below the level of the adjoining street or ground), the following provisions shall have effect; (namely,)

(1.) It shall not be lawful for any person to let or suffer to be occupied, or to occupy as a separate dwelling, any under-ground room not so let or occupied before the commencement of this Act, and if any person acts in any respect in contravention of the present provision he shall be liable to a penalty not exceeding ten pounds:

(2.) In case at any time after the commencement of this Act it appears to the Corporation that any under-ground room occupied as a separate dwelling, having been so occupied before the commencement of this Act, is unfit for human habitation, regard being had to the mode of its construction

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and to its condition, or to the supply or want of sanitary or other conveniences to be used therewith, the Corporation may, by order served on the owner and occupier thereof, order that the occupation thereof as a separate dwelling be from the expiration of one month from the service of such order discontinued:

(3.) If an owner appeals against any such order, the occupation as a separate dwelling of the under-ground room to which the order relates need not be discontinued until the expiration of fourteen days after the confirmation of the order of the Corporation, unless such appeal ceases to be prosecuted:

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

(5.) On the application of the Corporation, and proof of the order for the discontinuance of the occupation as a separate dwelling of any such under-ground room, and proof that no appeal in relation thereto is pending, any justice may order the occupants of such under-ground room to be removed, and any constable may enter therein, and do or assist in doing all matters and things necessary for that purpose; and in the event of access thereto for that purpose being refused any justice may grant a warrant for forcibly entering therein; and if any person resists or wilfully obstructs any constable in the execution of his duty under the present section he shall be liable to a penalty not exceeding twenty pounds.

Exemption of certain railway buildings from operation of Act.

193. The provisions of this Act with respect to buildings, and the regulations with respect to buildings contained in any byelaw made pursuant to this Act, shall not extend or apply to any building other than a dwelling-house belonging to or used or intended to be used and occupied by a railway company or companies for the purposes of their business, except with respect to the height and

construction of chimneys, and the drains and other sanitary details of such buildings, the lines of such buildings where the same adjoin or abut upon a street or court; and the provisions of this Act with respect to the paving and improving, and altering levels of streets, courts, and of other places, and of fencing in land built or unbuilt on, shall not extend or apply to the open space belonging or claimed to belong to the London and North-western Railway Company and Lancashire and Yorkshire Railway Company situate in front of the Huddersfield railway station, and forming the approach to that station, nor to any road within the curtilage or boundary of the same station.

Quantity of air for lodgers.

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

Regulations as to lodging houses.

195. The provisions set forth in the third schedule to this Act shall have effect as if they were enacted in the body of this Act, with respect to houses or parts of houses let in lodgings or occupied by members of more than one family; but nothing in this section or those provisions shall apply to common lodging houses within the Common Lodging Houses Act, 1851, or any Act amending the same.

VIII.—PROTECTION OF WORKS.

Saving for sluices, canals, &c.

196. Nothing in this Act shall authorise the Corporation, except as regards works shown on the deposited plans, and except as regards public sewers,—

(1.) To use, injure, or interfere with any sluices, floodgates, sewers, or other works made before or after the commencement of this Act under the authority of any Commissioners of Sewers appointed by the Crown, or any sewers or other works made before or after the commencement of this Act, and used for the purpose of draining, preserving, or improving lands under any local or private Act of Parliament, or for the purpose of irrigating lands, without consent in writing first obtained from such commissioners, or from persons acquiring rights under such local or private Acts respectively; and nothing in this Act shall affect rights, privileges, powers, or authorities given

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or reserved to any person by or under such local or private Acts;

(2.) To interfere with any river, canal, towing-path, dock, harbour, lock, reservoir, or basin so as to injuriously affect the navigation thereon or the use thereof, or to interfere with any towing-path so as to interrupt the traffic thereof, in cases where any corporation, company, undertakers, commissioners, conservators, and trustees or individuals are by virtue of any Act of Parliament entitled to navigate on or use such river, canal, towing-path, dock, harbour, lock, reservoir, or basin, or in respect of the navigation on or use of which river, canal, towing-path, dock, harbour, lock, reservoir, or basin, any corporation, company, undertakers, commissioners, conservators, and trustees or individuals, are entitled by virtue of any Act of Parliament to the receipt of any tolls or other dues;

(3.) To interfere with any watercourse or stream in such manner as to injuriously affect the supply of water to any river, canal, dock, harbour, reservoir, or basin in cases where any corporation, company, undertakers, commissioners, conservators, trustees, or individuals (being authorised by virtue of any Act of Parliament to navigate on or use such river, canal, dock, harbour, reservoir, or basin, or to demand any tolls or dues in respect of the navigation on or use of such river, canal, dock, harbour, reservoir, or basin) would if this Act had not been passed have been entitled by law to prevent or be relieved against such interference (provided that in this section the term watercourse shall not be deemed to include any sewer of the Corporation);

(4.) To interfere with any bridge crossing any river, canal, towing-path, dock, harbour, or basin in cases where any corporation, company, undertakers, commissioners, conservators, trustees, or individuals are authorised by virtue of any Act of Parliament to navigate or use such river, canal, towing-path, dock, harbour, or basin, or to demand any tolls or dues in respect of the navigation or use of such river, canal, towing-path, dock, harbour, or basin;

(5.) To execute any work in, through, or under any wharves, quays, docks, harbours, or basins to the exclusive use of which any corporation, company, undertakers, commissioners, conservators, trustees, or individuals are entitled by virtue of any Act of Parliament, or for the use of which they are entitled by virtue of any Act of Parliament to demand any tolls or dues;

(6.) To interfere with any railway, railway viaduct, bridge, tunnel, water pipes, or other works of any railway company;

without the consent in every case of such corporation, company, undertakers, commissioners, conservators, trustees, or individuals, expressed in writing, in the case of a corporation under their common seal, and in the case of a company, undertakers, commissioners, conservators, trustees, or individuals, under the hand of their clerk or other duly authorised officer or agent.

Certain sewerage works to be executed to satisfaction of engineer of company affected.

197. In executing any works of public sewerage affecting any railway or railway works, canal, or towing-path, the same shall be executed according to plans to be submitted to and approved by the engineer for the time being of such railway or canal company affected thereby, to the satisfaction of such engineer and under his superintendence.

Works interfering with improvement of rivers, &c. referred to arbitration.

198. Where any matters or things (other than works shown on the deposited plans) proposed to be done by the Corporation, not being within the prohibition aforesaid, interfere with the improvement of any river, canal, towing-path, dock, harbour, lock, reservoir, or basin which any corporation, company, undertakers, commissioners, conservators, trustees, or individuals are entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the navigation whereon or use whereof to demand any tolls or dues, or interfere with any works belonging to such river, canal, towing-path, dock, harbour, or basin, or with any lands necessary for the enjoyment or improvement thereof, the Corporation shall give to such corporation, company, undertakers, commissioners, conservators, trustees, or individuals as last aforesaid a notice specifying the particulars of the matters and things so proposed to be done, and if the parties on whom such notice is served do not consent to the requisitions thereof the matter in difference shall be referred to arbitration, and the following questions shall be decided by such arbitration; (that is to say,)

(1.) Whether the matters or things so proposed to be done by the Corporation will cause any injury to such river, canal, towing-path, dock, harbour, basin, works, or land, or to the enjoyment or improvement of such river, canal, towing-path, dock, harbour, or basin:

(2.) Whether any injury that may be caused by such matters or things, or any of them, is or is not of a nature to admit being fully compensated by money.

Effect of arbitration.

199. The result of any such arbitration shall be final, and the Corporation may or shall (as the case may require) do as follows; (that is to say,)

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If the arbitrators are of opinion that no injury will be caused, the Corporation may forthwith proceed to do the proposed matters and things:

If the arbitrators are of opinion that injury will be caused, but that such injury is of a nature to admit of being compensated by money, they shall proceed to assess such compensation, and on payment of the amount so assessed, but not before, the Corporation may proceed to do the proposed matters:

If the arbitrators are of opinion that injury will be caused, and that it is not of a nature to admit of being compensated by money, the Corporation shall not proceed to do any matter or thing in respect of which such opinion is given:

Provided always, that any matters and things so to be done affecting any railway or railway works, canal, or towing-path, shall be executed only according to plans to be submitted to and approved by the engineer for the time being of the railway or canal company affected thereby, to the satisfaction of such engineer and under his superintendence.

Power for company to alter sewers.

200. Subject and without prejudice to the stipulations of any agreement, any corporation, company, undertakers, commissioners, conservators, trustees, or individuals owning or authorised by virtue of any Act of Parliament to use any railway, or to navigate on or use any river, canal, towing-path, dock, harbour, or basin, or to demand any tolls or dues in respect of the navigation on such river, canal, or towing-path, or the use of such railway, dock, harbour, or basin, may (except as regards any work shown on the deposited plans), at their own expense, and on substituting other sewers, drains, culverts, and pipes equally effectual, and certified as such by the surveyor to the Corporation, and executed under his superintendence, take up, divert, or alter the level of any sewers, drains, culverts, or pipes constructed by the Corporation, and passing under or interfering with such railway, rivers, canals, docks, harbours, or basins, or the towing-paths of such rivers, canals, docks, harbours, or basins, and do all such matters and things as may be necessary for carrying into effect such taking up, diversion, or alteration.

Preserving water rights of companies or individuals.

201. Except as provided by this Act with respect to works shown on the deposited plans, nothing in this Act shall authorise the Corporation to injuriously affect any reservoir, river, or stream, or the feeders of any reservoir, river, or stream, or the supply, quality, or fall of water contained in any reservoir, river, or stream, or feeders of any reservoir, river, or stream, in cases where any company or individuals would if this Act had not passed have been entitled by law to prevent or be relieved against the injuriously affecting such reservoir, river, stream, feeders, supply, quality, or fall of water,

unless the Corporation have first obtained the consent in writing of such company or individuals so entitled as aforesaid.

Arbitration questions under preceding sections.

202. Any difference of opinion that may arise between the Corporation and any such corporation, company, commissioners, conservators, trustees, or individuals as aforesaid, whether any sewers, drains, culverts, or pipes substituted under the powers of this Act for sewers, drains, culverts, or pipes constructed or laid down by the Corporation are equally effectual with those for which they are substituted, or whether the supply, quality, or fall of water in any such reservoir, river, or stream as last aforesaid is injuriously affected by the exercise of powers under the foregoing provisions of this Act, shall be determined by arbitration in like manner, and the arbitrators shall decide the like questions as to the alleged injury, and the Corporation may or shall (as the case may require) proceed in the like way as in this Act provided with regard to arbitrations in cases of alleged injury to rivers, canals, towing-paths, docks, harbours, and basins.

IX.—LIGHTING.

Power to contract for supply of gas.

203. The Corporation may from time to time contract with the owners of any gasworks, or with any other person, for lighting the streets and courts of the borough, or any of them, with gas, and for providing for that purpose lamp posts, burners, pipes, and other apparatus, and for the repair thereof, or for any of those purposes, for such term, in such manner, and on such terms as may be agreed on.

Power to agree for purchase of gas undertakings.

204. The Corporation on the one hand, and any company or persons having power to supply gas within the borough on the other hand, may from time to time mutually enter into and carry into effect such agreements as they think fit for the purchase by and sale to the Corporation of the undertakings, works, and property of such company or persons as aforesaid in consideration of the payment of a sum in gross or by way of annuity, and on completion of any such purchase the Corporation shall by virtue of this Act have all the powers and authorities for or relating to the manufacture and supply of gas in the borough vested at the time of the purchase in the company or persons from whom the purchase is made; but nothing in this Act shall authorise the Corporation to manufacture or store gas on any lands other than those on which gas is at the time of the purchase authorised to be manufactured or stored by the selling company or persons, or to supply gas to public lamps or private consumers within the limits of the "The Huddersfield Gas Act, 1861," without the consent in writing of the Huddersfield Gas Company.

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X.—PARKS; TOWN HALL AND PUBLIC BUILDINGS; TELEGRAPHS; PUBLIC CLOCKS.

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

205. The Corporation may from time to time purchase by agreement, or take at a rent, or on lease, any lands within the borough to be appropriated for the purposes of a park or parks, or a place or places of public resort or recreation, or the enlargement or improvement thereof, or of the approaches thereto, and for the purposes of any such park or place construct, enlarge, maintain, and repair or take down such buildings, walls, and fences as they think proper, and stop up and discontinue any footpath, road, or way in, upon, through, or over any lands forming part of any such park or place, and level, drain, sewer, pave, flag, gravel, lay out, plant, or otherwise improve every such park or place, and do such other acts as appear necessary to the Corporation, with a view to the proper formation, maintenance, improvement, use, and enjoyment of every such park or place.

Power to make byelaws for regulation of parks, &c.

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

For appointing and regulating keepers or servants employed therein:

For regulating the days on and hours at which the same is to be opened and closed:

For regulating the conduct of persons frequenting the same:

For regulating the days on and hours at which games and gymnastics are to be permitted therein, and the particular parts or places for the same:

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

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

For preventing or regulating the admission therein of dogs:

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

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

For protecting from injury buildings, terraces, fountains, bridges, walks, seats, fences, and other parts of or things belonging to

the park or place, and for preventing the destruction or injury of aquatic or other birds, or of other animals, or of trees, shrubs, plants, or flowers, or the plucking of flowers or leaves therein:

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

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

207. The Corporation may take down and remove any buildings at the commencement of this Act belonging to or used by them for purposes of the Corporation under the Municipal Corporations Acts or otherwise, and may build on the site thereof, or on other land belonging to or held by them, a town hall and borough or sessions courts, police courts, gaols, station houses, and other public offices and buildings, and may from time to time enlarge and improve the same, and furnish and fit up the same with all proper furniture and conveniences, and may let or allow the use of any hall or public building for the time being belonging to them for such purposes and on such conditions as they think fit, if and when the same are not required for purposes of the Corporation, and may dispose, by sale, lease, or otherwise, of the sites of buildings belonging to them at the commencement of this Act, or so much thereof as is not required for new buildings, and may dispose of the materials of buildings when taken down, or may dispose, by sale, lease, or otherwise, for their estate or interest, of buildings belonging to or used by them at the commencement of this Act, and not required for purposes of the Corporation, without taking down and removing the same: Provided always, that the existing gaol shall not be taken down or disposed of by the Corporation until they have provided a new one.

Power to establish telegraphs.

208. The Corporation may from time to time establish and maintain such telegraphs as they think expedient or necessary for the better execution of any of the powers or authorities for the time being vested in them, and in relation to any such telegraphs, for the purposes of the Telegraph Act, 1863, the Corporation shall be in the like position in all respects as a company authorised by special Act of Parliament to construct and maintain telegraphs would be or might have been under that Act, so, however, that it shall not be requisite for the Corporation to give any notice respecting the opening for the purposes of telegraphs of any street or court under their own management; but nothing in this Act shall authorise the

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Corporation to work telegraphs in consideration of money payment, or for any purpose other than the execution of their powers and authorities aforesaid, or so as to interfere in any way with any telegraphs in the possession or under the control of the Postmaster General.

Power to provide public clocks.

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

XI.—LIBRARIES; MUSEUMS; SCHOOLS OF SCIENCE AND ART.

Power to establish public libraries, &c.

210. The Corporation from time to time may erect any buildings suitable for public libraries or museums, or both, or public schools for science and art, or either of them, and apply, take down, alter, and extend any buildings for such purposes, and rebuild, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite fittings, furniture, and conveniences.

Management of libraries, &c.

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

Libraries, &c. to vest in Corporation.

212. All property presented to or purchased by the Corporation for any such library, museum, or school shall be vested in the Corporation.

XII.—PUBLIC BATHS AND WASH-HOUSES, &c.

Power to provide baths, &c.

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

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

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

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

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

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

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

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

Recovery of charges at wash-houses.

215. The officers and servants of the Corporation may detain clothes brought to be washed, or other goods, of any person refusing to pay any charge to which such person is liable for the use of the wash-houses of the Corporation till full payment thereof is made,

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and in case such payment is not made within seven days after the same becomes due may sell such clothes or goods, or any of them, returning the surplus proceed of such sale, (after deducting the unpaid charge, and the expenses of detention and sale,) and any unsold articles, on demand, to the owner or the person by whom the same were brought to be washed.

Power to discontinue baths, &c. and sell buildings, &c.

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

XIII.—POLICE.

Power to continue police court, &c.

217. The Corporation may continue and maintain the police court and all offices and stations, and may from time to time enlarge the same, and provide and maintain additional courts, stations, and watch-houses, lock-up houses, and other places necessary for police purposes, and furnish and fit up the same.

Constables not to resign without leave or notice.

218. A constable shall not be at liberty to resign his office, or to withdraw himself from the duties thereof, unless expressly allowed to do so in writing by the watch committee certified under the hand of the chief constable, or unless he gives to the chief constable one month's previous notice in writing of his intention; and if any constable so resigns or withdraws himself without such leave or notice he shall be liable to forfeit all arrears of pay then due to him, or to pay a penalty not exceeding five pounds, or, in the discretion of the justice before whom he is convicted, to be imprisoned for any term not exceeding fourteen days.

Penalty on constable for neglect of duty.

219. If any constable is guilty of any neglect or violation of duty in his office he shall be liable to a penalty not exceeding ten pounds, or, in the discretion of the justice before whom he is convicted, to be imprisoned for any term not exceeding one month, with or without hard labour.

Power to chief constable to suspend constables.

220. The chief constable may, subject to the approval of the watch committee, suspend any constable from the exercise of his office for such time as the chief constable thinks fit, for breach of discipline, or neglect or violation of duty, or grave misconduct, and if any constable while suspended by the chief constable exercises in any manner the office of constable he shall be liable to a penalty not exceeding five pounds.

Constables suspended or dismissed to

221. If any constable is suspended by the chief constable, and does not, if required, deliver over to the chief constable, or to the

officer appointed for the purpose by the chief constable, all or any part of the clothing, accoutrements, or appointments supplied to him for the execution of his duty, or if any constable is dismissed from or ceases to hold and exercise his office, and does not forthwith deliver over all the clothing, accoutrements, appointments, and other necessaries supplied to him for the execution of his duty to the chief constable, or to the person and at the time and place directed by the watch committee, he shall be liable to imprisonment, with or without hard labour, for any term not exceeding one month; and any justice may issue his warrant to search for and seize, to the use of the Corporation, all clothing, accoutrements, appointments, and other necessaries not so delivered over, wherever found.

deliver up accoutrements.

222. Where any penalty is recovered under this Act against any constable, or any person who had held the office of constable, in respect of any act or omission of such person while holding such office, the amount of the penalty may be deducted from any salary due or to become due to him as constable.

Power to deduct penalties on constables from salaries.

223. If any person not being a constable of the borough has in his possession any article being part of the clothing, accoutrements, appointments, or necessaries supplied to any such constable, and does not satisfactorily account for his possession thereof, or puts on the dress, or takes the name or designation, or otherwise assumes the character of a person appointed as such constable, for the purpose of thereby obtaining admission into any house or other place, or of doing or causing to be done any act which he would not be entitled to do or procure to be done of his own authority, or for any other unlawful purpose, he shall, in addition to any other punishment to which he is liable for such an offence, be liable to a penalty not exceeding ten pounds.

Penalty for unlawful possession of accoutrements, assumption of character of constable, &c.

224. The Corporation may employ constables of the borough as market officers, fire brigade officers, inspectors of weights and measures, and of lodging houses, and in any other capacity in which their services appear to the Corporation to be useful for purposes of this Act, without prejudice to the claim of any constable so employed to any superannuation or other allowance, or to any benefit whatever.

Employment of police as market officers, &c.

225. Any person found committing any offence punishable either upon indictment or as a misdemeanor, upon summary conviction under this Act, may by virtue of this Act be taken into custody without a warrant by any constable, or may be apprehended by the owner of any property on or with respect to which the offence is committed, or by his servant, or any person authorised by him, and may be detained until he can be delivered into the custody of a

Power to police constables and persons aggrieved to apprehend certain offenders.

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constable, and shall be taken as soon as conveniently may be before a justice, to be examined and dealt with according to law.

Limitation of detention.

226. It shall not be lawful for any constable or other officer, without the order of a justice, to detain in custody any person arrested under the powers of this Act longer than is necessary for bringing him before a justice, or longer than forty-eight hours at the utmost, except where Sunday intervenes, in which case the person so arrested may be detained, without order of a justice, until the sitting of the justices on the next following Monday morning, but no longer.

Power for chief constable to take recognizances.

227. Whenever any person charged with any offence under this Act (not amounting to felony), of which he is liable to be summarily convicted before a justice, is in the custody of any constable without the warrant of a justice, the chief constable, or other officer for the time being in charge of the police office, may, if he deems it prudent in any case where the offender cannot be conveniently taken before a justice, take his recognizance, with or without sureties, conditioned as in this Act provided.

Form of recognizances.

228. Every recognizance so taken shall be taken without fee or reward, and shall be conditioned for the appearance of the person thereby bound before a justice at a certain day, not later than seven days from the date of the recognizance, and the time and place of such appearance shall be specified in the recognizance.

Recognizances to be registered and returned to the justice.

229. The officer taking any such recognizance shall enter in a book to be kept for that purpose the name, residence, and occupation of the party, and his sureties (if any), entering into it the condition thereof, and the sum thereby acknowledged, and shall return every such recognizance to the justice at the time and place when and where the party is bound to appear, and every such recognizance shall have the like force and effect as if it had been taken before a justice.

Penalties on persons assaulting constables.

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

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

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

XIV.—POLICE REGULATIONS, &c.

Penalty on persons committing any of the offences enumerated.

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

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

Every person who suffers to be at large or accompanies any ferocious, mischievous, or dangerous dog, not being securely muzzled, or sets on or urges a dog or other animal to attack, worry, or put in fear any person or animal:

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

Every person who, after public notice given by the mayor directing dogs to be confined, suffers any dog to be at large during the time specified in such notice:

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

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

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

Every person who discharges smoke or steam from a building (otherwise than from the top thereof into a street, or who con-

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structs or uses a steam pipe, flue, or funnel (not being the funnel of a locomotive engine), so that the condensed water or moisture must usually fall into a street:

Every person having the care of a cart or carriage who rides on the shafts thereof, or who, without having sufficient reins and holding the same, rides upon such cart or carriage, or on an animal drawing the same, or who is at such a distance from such cart or carriage as not to have due control over every animal drawing the same, or who is asleep while such cart or carriage is in motion, or who does not, in meeting another cart or carriage, keep his cart or carriage to the left or near side of the road, or who, in passing another cart or carriage from behind, does not keep his cart or carriage on the right or off side of the road (except in cases of actual necessity or some sufficient reason for deviation), or who by obstructing the street wilfully prevents any person, cart, or carriage from passing him or any cart or carriage under his care:

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

Every person who rides or drives furiously an animal, cart, or carriage, or who while in a state of intoxication rides or drives any animal, cart, or carriage:

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

Every person who causes any tree or timber, or iron beam, or stone to oe drawn in or upon a carriage without having and applying a sufficient drag, slipper, break, or other means of safely guiding the same, and causing the same to be safely guided and controlled, and the speed thereof to be moderated while descending any incline; or who grates, grinds off, or uses any kerbstone for moderating such speed:

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

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

Every person who places, hangs up, or otherwise exposes to sale any furniture, goods, produce, wares, merchandise, matter, or thing whatsoever so that the same projects or project into or over any footway, or beyond the line of any house, shop, or building at which the same is or are exposed:

Every person who stands or places any person outside any shop, building, or ground at or on which any furniture, goods, or thing as aforesaid is or are exposed, in order to offer the same for sale, or to invite purchasers for the same, so as to obstruct or incommode the passage of any person over or along any footway:

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

Every person who places a line, cord, or pole across a street, or hangs or places any clothes thereon, or who throws or leaves any orange peel or other refuse of fruit on any footway:

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

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

Every person who wilfully and indecently exposes his person, or who bathes in any river, canal, or public situation so as to expose his person:

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

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Every person who publicly sings any profane or obscene song or ballad, or uses any profane or obscene language :

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

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

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

Every person who wilfully and wantonly disturbs any inhabitant by pulling or ringing any door bell or other bell, or knocking at any door or gate, or who wilfully and unlawfully extinguishes the light of any lamp :

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

Every person who throws or lays down any stones, coals, slate, shells, lime, bricks, timber, iron, or other materials (except building materials enclosed as required by this Act) :

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

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

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

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

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

Every person who leaves open a vault or cellar, or the entrance from a street to a cellar or room under ground, without a sufficient fence or handrail, or leaves defective the door, window, or other covering of a vault or cellar, or who does not sufficiently fence any area, pit, or sewer left open, or who leaves such open area, pit, or sewer without a sufficient light after sunset to warn and prevent persons from falling thereinto:

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

Every person who in any street empties or begins to empty any cask, tub, barrel, case, or package, unless it cannot from its bulk or weight be taken into his own building or land:

Every person who in any street feeds or fodders any horse or other animal except from a bag suspended from its head, or with food held or delivered by the hand:

Every person who carries or exhibits any placard or advertisement on poles, boards, sticks, or otherwise, to the danger or annoyance of passengers or inhabitants, or who blows any horn, rings any bell, or uses any other noisy instrument, or shouting or singing for the purpose of announcing or attracting persons to any sale, show, or entertainment (the town crier appointed by the Corporation in the performance of his duty excepted), or for the purpose of hawking, selling, or collecting any article whatever, or of obtaining money or alms:

Every person who collects a crowd by flying pigeons, foot racing, or other games, or by brawling, fighting, singing, shouting, or otherwise, or who stands or loiters and refuses or neglects to move on when ordered so to do by a constable:

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Every person who flies a kite, or makes or uses a slide on ice or snow, or plays at pitch and toss or other description of gaming, or trundles a wheel, hoop, or girth, or plays at football, quoits, pig, or other game or pastime offensive, dangerous, or annoying to passengers :

Every person who hoists, lowers, takes in, or delivers, or who wilfully permits or suffers to be hoisted, any cask, barrel, sack, bag, cotton bale, wool bag, box, package, bale, truss, hamper, or other thing into or from any warehouse, building, cellar, or vault, without having proper and sufficient crane, rope, and tackle in good and sound order and condition, and without slinging or otherwise effectually securing the article so lowered, hoisted, or delivered :

Every owner, occupier, or other person who uses, or causes or permits to be used, any insufficient crane, rope, or tackle, or does not, within three days after receiving notice from an officer of the Corporation so to do, remove or cause to be made good and fit for safe use any crane, rope, or tackling reported or deemed to be defective :

Every person who builds or continues a pigsty, or keeps swine anywhere in the borough, except in situations and places authorised by the Corporation :

Every person who drowns or casts with intent to drown any dog, cat, or other animal into any well, stream, canal, watercourse, pool, dam, pond, or reservoir :

Every person who throws, deposits, places, leaves, or permits or suffers to fall any litter, ashes, carrion, fish, or animal offal or rubbish into or in any well, river, stream, canal, watercourse, pool, dam, pond, or reservoir.

Offensive trades newly established.

233. The business of a blood boiler, bone boiler, fellmonger, slaughterer of cattle, horses, or animals of any description, soap boiler, tallow melter, tripe boiler, or other noxious or offensive business, trade, or manufacture, shall not be newly established in any building or place in the borough without the consent of the Corporation ; and if any person offends against this section he shall be liable to a penalty of fifty pounds, and a further penalty of forty shillings for each day during which the offence is continued ; and the Corporation may from time to time make such byelaws with respect to any such businesses so newly established as they think fit in order to prevent or diminish the noxious or injurious effects thereof.

Penalty for burning bricks, rags, bones, &c.

234. If any person at any time after the commencement of this Act begins or prepares to burn bricks or tiles in any place nearer than thirty yards to a then existing dwelling-house situate in or near any street, or burns in any place within two hundred yards of any

dwelling-house situate in or near any street, any cork, rags, or bones, or other offensive substance for making manure, ivory or other black, or sal ammoniac, or other chemical compound, or for any other purpose of trade, manufacture, or commerce, or if any person burns bricks or tiles, or carries on any trade or business which occasions any obnoxious or offensive effluvia, or causes other annoyance to the inhabitants dwelling near thereto, without using the best practicable means that are known for preventing smoke, or preventing or counteracting effluvia or annoyance therefrom, he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which the offence is continued after service on him by the Corporation of notice to discontinue the same.

Mad dogs.

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

Power to seize and destroy diseased cattle.

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

Prohibition as to diseased cattle.

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

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

238. The sanitary inspector or any constable may at all reasonable times inspect and examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, cheese, or other article exposed for sale, or deposited in any place for the purpose of sale or of preparation for sale, and intended for the food of man (the proof that the same was not exposed or deposited for such purpose, or was not intended for the food of man, resting with the party charged), and in case the same appears to him to be diseased or unsound or unwholesome, or unfit for the food of man, he may seize, take, and carry away the same, or direct the same to be seized, taken, and carried away by any officer, servant, or assistant, in order to have the same dealt with by a justice, and if it appears to the justice that the same is diseased or unsound or unwholesome, or unfit for the food of man, he may order the same to be destroyed or so disposed of as to prevent it from being exposed for sale or used for such food, and the person to whom the same belongs or did belong at the time of sale, or of exposure for sale, or in whose possession or on whose premises it is found, shall be liable to a penalty not exceeding twenty pounds for every animal, carcase, or fish, or piece of meat, flesh, or fish, or any poultry or game, or for the parcel of fruit, vegetables, corn, bread, flour, cheese, or other article so found, or, at the discretion of the justice, to imprisonment for any term not exceeding three months.

Power to impound cattle suffered to stray.

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

Penalty for pound-breach.

240. If any person releases or attempts to release any cattle from any pound where the same are impounded under the authority of this Act, or damages or destroys any such pound or any part thereof with intent to procure the unlawful release of such cattle, he shall be liable to a penalty not exceeding forty shillings, or, in

the discretion of the justice before whom he is convicted, to imprisonment, with or without hard labour, for any term not exceeding three months.

Persons having goods suspected to be stolen in possession to be guilty of a misdemeanor.

241. If any person brought before any justice charged with having in his possession, or conveying in any manner anything reasonably suspected to be stolen or unlawfully obtained, does not give an account to the satisfaction of the justice before whom he is brought of the manner in which he came by the same, he shall be liable to a penalty not exceeding five pounds, or, in the discretion of the justice, to be imprisoned, with or without hard labour, for any term not exceeding two months.

Delivery of goods unlawfully pawned and in possession of brokers, &c.

242. If any goods are stolen or unlawfully obtained, or being in the care of any person for the purpose of being repaired, cleaned, or made up, or being otherwise lawfully obtained, are unlawfully deposited, pawned, pledged, sold, or exchanged, and complaint is made to any justice that such goods are in the possession of any broker, dealer in marine stores, or other dealer in second-hand property, or of any person who has advanced money upon the credit thereof, such justice may issue a summons or warrant for the appearance of such broker, dealer, or other person as aforesaid before any justice, and for the production of the goods, and such last-mentioned justice may order such goods to be delivered up to the owner thereof, either without any payment by or to such owner, or upon payment of such sum and at such a time as such justice thinks fit; and if any broker, dealer, or other person being so ordered refuses or neglects to deliver up the goods he shall forfeit to the owner the full value thereof, to be determined by a justice, but such order shall not bar such broker, dealer, or other person from recovering possession of such goods by proceedings at law from the person into whose possession they come by virtue of the order, so that such proceeding be commenced within six months next after the order is made.

Restoration of property unlawfully pawned, &c.

243. Any justice may order that any goods unlawfully pawned, pledged, or exchanged brought before him, the ownership of which is established to his satisfaction, be delivered up to the owner by the person with whom they were unlawfully pawned, pledged, or exchanged, either without compensation or with such compensation as the justice thinks fit.

Delivery of goods charged to have been stolen or fraudulently obtained and

244. If any goods or money charged to have been stolen or unlawfully obtained are or is in the custody of any constable by virtue of any warrant of a justice, or in prosecution of any charge of felony or misdemeanor, and the person charged with having stolen or unlawfully obtained possession of the same is not found, or is

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in custody of constable.

summarily convicted or discharged, or is tried and acquitted, or is tried and found guilty, but the property so in custody has not been included in any indictment, the following provisions shall apply thereto; (namely,)

(1.) Any justice may make an order for the delivery of such property to the person appearing to be the rightful owner thereof:

(2.) Such order shall not be any bar to the right of any person to sue the person to whom the property is delivered and to recover the same from him by proceedings at law, so that such proceedings be commenced within six months next after the order is made:

(3.) In case the owner cannot be ascertained any justice may order that the property be delivered to the treasurer:

(4.) The treasurer may, after the expiration of twelve months during which no owner shows his title to such property, sell such goods and place the proceeds thereof and place such money to the credit of the borough fund:

(5.) If nevertheless such goods are of a perishable nature, the sale may be effected immediately, and the proceeds thereof shall be carried to the credit of the borough fund after the expiration of such twelve months.

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

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

Penalty for injury to churches.

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

Street musicians to depart when desired to do so.

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

Regulation for preventing obstruction in streets during public processions, &c

248. The mayor may from time to time make regulations for the route to be observed by all carts, carriages, horses, and persons, and for preventing obstruction of the streets in times of holidays, public processions, public meetings, public rejoicings or illuminations, and in cases when the streets are thronged or liable to be obstructed, and

give directions to the constable for keeping order and for preventing any obstruction of the streets in the immediate neighbourhood of the town hall, the police court, the theatres, and other places of public resort; and if any person is guilty of any breach of such regulations, or does not comply with the direction of any constable acting in pursuance thereof, he shall be liable to a penalty not exceeding five pounds; and no proprietor, driver, or conductor of any omnibus or stage carriage shall be liable to any penalty for any deviation from the route prescribed in any license in consequence of any regulation made by the mayor under this section.

Power to regulate route of carriages, &c. during divine service.

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

Waste land to be fenced.

250. If the owner or occupier of any vacant or waste land allows the same to remain unfenced, or the fences thereof to remain out of repair, after the expiration of fourteen days notice from the surveyor, the Corporation may cause the same to be fenced, or may cause the fences to be repaired, and the expenses thereby incurred shall be recoverable from such owner or occupier as damages.

Dangerous places to be repaired or enclosed.

251. With respect to the repairing or enclosing of dangerous places, the following provisions shall have effect; (namely,)

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

(2.) If after service of the order on the owner the directions of the order are not complied with within the prescribed period, the owner shall be liable to a penalty not exceeding twenty pounds, and in that case, and also if the owner is not known,

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or cannot after due inquiry be found, the Corporation may cause such works as they think proper to be done for effecting such repair, protection, or enclosure, and the expenses thereof shall be payable by the owner:

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

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

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

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

XV.—SMOKE.

Penalties for non-consumption of smoke.

252. For prevention of smoke, the following provisions shall have effect; (namely,)

(1.) If any fireplace or furnace employed after the commencement of this Act in the working of engines by steam, or in any building used for the purpose of trade or manufacture, or baths or wash-houses (although a steam engine is not used therein), is not so constructed as to prevent or burn the smoke arising from such fireplace or furnace, the owner or

occupier of the building or lands in or on which such fireplace or furnace is situate shall be liable to a penalty not exceeding five pounds:

(2.) If any such owner or occupier, or any engineer, fireman, stoker, foreman, or other person employed by him, after the commencement of this Act uses any such fireplace or furnace not so constructed as aforesaid, or negligently uses any fireplace or furnace so constructed as aforesaid in such manner that the smoke arising therefrom is not effectually prevented 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 Corporation to the owner or occupier to remedy or discontinue the same:

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

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

(5.) The words "prevent or burn smoke" shall nevertheless not be held in all cases to mean prevent or burn all smoke, and the justice before whom the case is brought 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 prevent or burn as far as possible all smoke arising therefrom, and that the same has been carefully attended to, and that the smoke arising therefrom has been prevented or burned as far as practicable.

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XVI.—FIRE.

Power to provide fire police stations, &c.

253. The Corporation may continue and maintain their fire police stations and engine houses, and other offices and buildings connected with the fire police establishment, and may from time to time enlarge the same, and purchase, by agreement, or take at a rent any buildings or lands for fire police stations, engine houses, and firemen's dwellings, and other buildings and lands necessary for fire police purposes, with all proper conveniences, and appropriate for those purposes, and alter and enlarge, any buildings or lands for the time being vested in them, and repair and furnish and fit up any such buildings.

Power to provide fire engines, firemen, &c.

254. The Corporation may continue and maintain and from time to time provide such fire engines, water buckets, pipes, water carts, fire escapes, and other implements for use in case of fire, and such horses for drawing such engines and water carts, and employ such persons as superintendents and firemen on such terms, and allow them such wages and such rewards for exertion in case of fire, and make such byelaws for the government of the fire police establishment of the borough, as they think fit.

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

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

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

256. Any constable of the borough or of the fire police of the borough, or any officer or other person appointed by the Corporation, may enter, and, if necessary, break into any building in the borough being or reasonably supposed to be on fire, or any building or lands adjoining or near thereto, without the consent of any owner or occupier thereof respectively, and may do all such acts and things as he may deem necessary for extinguishing fire in any such building, or for protecting the same, or rescuing any person or property therein from fire.

Power to send fire engines, &c. out of borough.

257. The Corporation may send any fire engine and any part of the fire police establishment beyond the borough to extinguish fire, and the Corporation may recover the expenses of sending the same from any person on whose property any such engine or part of the

fire police establishment is employed for the extinguishment of fire or on whose property any fire has taken place for the extinguishment of which any such engine or part of fire police establishment has been sent.

Captain of fire brigade to have control of operations.

258. The chief constable, or captain or superintendent of the fire brigade of the Corporation, or other officer for the time being in charge of the engine or part of the fire police establishment of the Corporation attending at any fire in the borough, shall from the time of his arrival thereat have the sole charge and control of all operations for the extinguishment of such fire, whether by the Corporation engine or establishment, or any other or others, including the fixing of the positions of fire engines and apparatus, the attaching of hose to any water pipes or water supply, and the parts of the building on fire or of adjoining buildings against which the water is to be directed.

Penalties as to chimneys on fire.

259. If any person wilfully sets on fire any chimney he shall be liable to a penalty not exceeding five pounds, and if any chimney takes fire accidentally, the occupier of the building or the part thereof to which such chimney belongs shall be liable to a penalty not exceeding ten shillings, unless he proves to the satisfaction of the justice before whom the case is heard that the fire was in nowise owing to omission, neglect, or carelessness of himself or his servant.

Restriction on making of fireworks, &c.

260. If any person makes within the borough lucifer matches, or any combustible article in the manufacture of which gunpowder or detonating powder is used, in any place other than in a detached building, or in any case nearer than one hundred yards to any street or dwelling-house, he shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding ten pounds for every day during which the offence continues after the time when the first penalty of ten pounds is incurred.

Execution of licensing powers as to gunpowder, petroleum, &c.

261. For the better execution of the provisions of the following Acts; namely,

The Gunpowder Act, 1860, and any Act for the time being in force amending the same;

The Act of the session of the twenty-fifth and twenty-sixth years of Her Majesty (chapter sixty-six), "for the safe keeping of "petroleum," and any Act for the time being in force amending the same;

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

(1.) Any license granted under the last-mentioned Acts, or any of them, may be suspended or revoked when and as the council think fit:

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(2.) Every such license shall be under the hand of the town clerk:

(3.) For every such license the council may charge a fee not exceeding one guinea:

(4.) The powers conferred on the council by the last-mentioned Acts, or any of them, or by this Act, in relation thereto may be executed by a committee of the council appointed according to the provisions of the Municipal Corporations Acts as modified by this Act.

XVII.—BURIAL GROUND AND MORTUARIES.

Transfer of burial ground to Corporation.

262. From and after the commencement of this Act, the burial ground provided under the Huddersfield Burial Ground Act, 1852, shall be and the same is hereby transferred to and vested in the Corporation for all the estate and interest therein of the Huddersfield Improvement Commissioners, and all the powers and authorities by that Act, as amended by any subsequent Act, vested in the Commissioners shall be and the same are hereby transferred to and vested in the Corporation.

Power to provide places for reception of corpses.

263. The Corporation may, if they think fit, from time to time provide and fit up buildings or rooms in which corpses may be received and decently and carefully kept before interment, and make byelaws with respect to the management of and charges for the use thereof, and the Corporation may, on proper application, and subject to such regulations, and at such rates and charges, as are from time to time prescribed by any such byelaws, make all necessary or proper arrangements for the decent and economical interment of any corpse therein received.

Power to remove corpses to places provided.

264. If it appears to the satisfaction of the Corporation that in any building or place where a corpse is lying there is no proper accommodation for it until interment, or that there is reason to apprehend any injurious effects from its being kept there, they may cause it to be removed to any building or room so provided for that purpose; any constable or other person appointed by the Corporation may enter any such building or place, and do or assist in doing all things necessary or proper in that behalf, and if access thereto is refused a justice may, if he thinks fit, on application of the Corporation, or of a constable or other person appointed by the Corporation, grant a warrant for forcibly entering the same.

XVIII.—PUBLIC-HOUSES, &c.

Regulations respecting coffee shops, &c.

265. If any person not being a licensed victualler, or person licensed to sell beer by retail to be drunk on the premises, or licensed to keep a refreshment house under the Act of the session of the

twenty-third and twenty-fourth years of Her Majesty, chapter twenty-seven, has or keeps any house, shop, room, cellar, or vault, or place of public resort wherein ready-made tea or coffee, cooked victuals, provisions, liquors, or refreshments of any kind is or are sold or consumed, whether the same is or are kept or retailed therein or procured elsewhere, and permits drunkenness or other disorderly conduct, or suffers any unlawful game or any gaming therein, or permits prostitutes, reputed thieves, drunken or idle and disorderly persons, or persons of notoriously bad character, to meet together and remain there, he shall be liable to a penalty not exceeding five pounds; and any constable may at any time enter into any such house, shop, room, cellar, vault, or place, and if any such owner or keeper, or any person in his employment, in such case refuses to allow, or does not on application allow, such constable so to enter, every person so offending shall be liable to a penalty not exceeding forty shillings.

Keepers of cook-shops, &c. making internal communications with public-house.

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

Places for dancing, music, and other public entertainments.

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

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

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

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

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

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

(6.) There shall be affixed and kept up in some conspicuous place on the door or entrance of every house, room, garden, or place so kept or used, and so licensed as aforesaid, an inscription in large capital letters in the words following: "Licensed in pursuance of Act of Parliament for ," with the addition of words showing the purpose or purposes for which the same is licensed:

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

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

Penalties on brothel keepers, &c.

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

Power to enter upon unlicensed theatres, &c.

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

shall be liable to a penalty not exceeding forty shillings, and the burden of proving that any such place is a licensed theatre shall be on the person keeping the same.

Regulation of shows, caravans, &c.

270. The Corporation may from time to time, by byelaw, regulate the days on and hours within which during any fair, or at any other time, any show, booth, caravan, circus, or exhibition may be kept open, and for preserving order therein; and in case anything is done or omitted in contravention of any such byelaw, then, without prejudice to the recovery of any penalty imposed thereby, the mayor may, by any constable of the borough, prevent the opening or keeping open of the show, booth, caravan, circus, or exhibition in respect whereof the offence is committed.

XIX.—DEALERS IN MARINE STORES, &c.

Power to license dealers in marine stores, &c.

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

Power to make byelaws as to dealers in marine stores, &c.

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

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

For regulating the duration of every such license, and providing for the suspension or revocation thereof by the Corporation:

For requiring every person so licensed to give notice to the Corporation in case of his changing his place of abode, or his place of carrying on his business, either to a different building, or to a different or additional part of the same building:

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

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

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Licenses may be suspended or revoked.

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

Penalty on persons carrying on business without license.

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

XX.—HACKNEY AND STAGE CARRIAGES; PORTERS CARTS; PORTERS AND DRIVERS.

Power to license hackney carriages and porters carts and drivers.

275. The Corporation may from time to time license such number of hackney carriages and porters carts to ply for hire within the borough, and such number of persons to act as drivers thereof respectively, as they think fit.

Prohibition of use of carriages, &c. without license.

276. If the proprietor of or any person interested in any carriage or cart permits it while unlicensed to be used as a hackney carriage or porter's cart plying for hire, or if any person is found driving for hire, or standing or plying for hire, with any carriage or cart while it is unlicensed, he shall be liable to a penalty not exceeding forty shillings.

Prohibition of unlicensed persons acting as drivers.

277. If any person while unlicensed acts as driver of a licensed hackney carriage or licensed porter's cart, or if any licensed driver lends his license, or parts with the possession of it, or fails to produce it when required by any justice, or by any hackney carriage inspector, or by any constable, or if the proprietor of a hackney carriage or porter's cart employs an unlicensed person as a driver thereof, he shall be liable to a penalty not exceeding forty shillings.

Power to make byelaws as to hackney carriages and porters carts and drivers.

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

For regulating the mode of application for and the issuing of licenses for hackney carriages and porters carts, and the drivers thereof, and the fees to be paid for licenses (not exceeding five shillings for any such license for twelve months, and in the like proportion for any shorter period), and the form and contents of licenses, and the registering thereof, and of matters relative thereto, and the duration of licenses, and the conditions on which the same are to be held or may be revoked or suspended:

For regulating the conduct of the proprietors and drivers of hackney carriages and porters carts in their several employments, and determining whether such drivers shall wear any and what badge, and for regulating the hours within which they are to exercise their calling:

For the numbering and identifying of hackney carriages and porters carts, and for regulating the manner in which the numbers are to be displayed:

For regulating the number of persons to be carried by any hackney carriage, and in what manner such number is to be shown on such carriage, and for requiring the driver to carry that number or any less number, and for regulating what number of animals is to draw any hackney carriage or any porter's cart, and the kind and condition of such animals, and the placing of a check string to any such carriage, and the holding of the same by the driver, and how such carriages are to be furnished or provided:

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

For fixing the stands of hackney carriages and porters carts, but in the public streets only, and not on any private ground or within the curtilage or boundary of any railway station, or on station approaches belonging thereto, and for fixing the distance to which they may be compelled to take passengers and goods, not exceeding seven miles beyond the boundary of the borough:

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

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

Penalty for fraudulent use of numbers, &c.

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

(1.) Affixes or places on any carriage or cart any figure or number to resemble any figure or number appointed by the Cor-

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poration to be affixed to any licensed hackney carriage or licensed porter's cart;

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

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

Agreement for less than fare binding on driver.

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

Agreement for more than fare not binding on hirer.

281. An agreement made with the driver of or any person having or pretending to have the care of any hackney carriage or porter's cart for the payment of more than the fare allowed by byelaw shall not be binding on the person making the same, who may, notwithstanding such agreement, refuse on discharging such carriage or cart to pay any sum beyond the fare allowed by byelaw, and if any person actually pays to any such driver, in pursuance of any such agreement or otherwise, any sum exceeding the fare to which the driver is entitled, he may, on complaint made against the driver before a justice, recover back such sum, and, moreover, the driver shall be liable to a penalty not exceeding forty shillings, and in default of repayment by such driver of such excess of fare, or the payment of such penalty, the justice may commit him to prison for any time not exceeding one month, unless the excess of fare and the penalty are sooner paid.

Agreement for discretionary distance.

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

Penalty for demand of excessive fares.

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

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

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

Penalty on driver for misconduct, &c.

285. If the driver of, or any person having or pretending to have the care of, any hackney carriage or porter's cart is intoxicated while driving, or by wanton and furious driving, or by any other wilful misconduct, injures or endangers any person in his life, limbs, or property, he shall be liable to a penalty not exceeding five pounds.

Penalty on driver for obstructing streets, &c.

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

Proceedings where carriage, &c. left in street.

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

Liability of proprietor to compensation for damage done by driver.

288. Where any hurt or damage is caused to any person or property by the driver of any hackney carriage or porter's cart let to hire, the justice before whom the driver is convicted may order that the proprietor of the carriage or cart do pay such sum, not exceeding five pounds, as appears to the justice reasonable compen-

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sation for such hurt or damage, and every proprietor who pays any such compensation may recover the same from the driver.

Endorsement of conviction of driver on license.

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

Compensation, &c. to driver acquitted.

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

Recovery of fare.

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

Penalty for injury to carriage or cart.

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

Power to make byelaws as to porters and drovers.

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

For regulating omnibuses and stage carriages in the streets, and the conduct of the drivers and conductors thereof, and the fares to be charged to passengers in or on the same, and for preventing the overcrowding thereof, and touching the number and fitness of the animals to be employed to draw the same:

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

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

Power to make bye-laws as to omnibuses, carts, &c.

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

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

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

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

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

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

XXI.—MISCELLANEOUS.

Provision respecting South Crosland.

295. So much of the township of South Crosland as is comprised in the Lockwood district of the borough shall be and the same is hereby for purposes of rating, and all other purposes whatever, severed from the township of South Crosland, and annexed to and incorporated into the township of Lockwood, and the same shall to all intents and for all purposes be and be designated part of the township of Lockwood, and not of the township of South Crosland, and the residue of the township of South Crosland shall continue to have and shall be deemed to have always had all rights, privileges, duties, and liabilities of a township of itself, as if the portion of that township severed therefrom by this Act had never been part thereof.

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Distinct accounts to be kept.

296. The Corporation shall keep distinct accounts in respect of the following undertakings or matters; (namely,)

Sewers;

Baths and wash-houses;

Burial grounds;

Model lodging houses;

and in respect of all other (if any) undertakings or matters on account whereof distinct loans have been before or are after the commencement of this Act raised for any district of the borough or for the borough by the Huddersfield Improvement Commissioners, or by any local board merged in the council, or by the Corporation.

Apportionment of expense between districts.

297. Where any expenditure is made for purposes common to two or more districts of the borough the Corporation may apportion the same between those districts in such manner as the Corporation think fit.

Power to take land and money for charitable and public purposes.

298. The Corporation may from time to time accept grants of land made to them for purposes of parks, hospitals, infirmaries, schools, or other public, useful, or charitable objects for the benefit of the inhabitants of the borough and its neighbourhood, and may hold the land so granted, and may execute in relation thereto the trusts and purposes declared by the grantors or otherwise attaching thereto, and may from time to time accept donations of money made to them for any such purposes as aforesaid, and may keep the same, and may apply the same or the income thereof in the manner in which the same ought to be applied according to the directions or intentions of the donors.

Proceedings to prevent injury, &c. to streams.

299. The Corporation, with the sanction of Her Majesty's Attorney General, may either in their own name, or in the name of any person with his consent, take such proceedings by indictment, bill in Chancery, action, or otherwise, as they deem advisable for the purpose of protecting any watercourse or stream, which is within the borough, or which is or forms part of the boundary line between the borough and any adjoining township or place, from encroachment, obstruction, pollution, or other injury, and the costs of and incidental to any such proceedings, including any costs that may be awarded to the defendant, shall be paid out of the borough fund.

Power to establish temporary hospitals, &c.

300. In the event of the prevalence in the borough of any contagious or infectious epidemic or other disease, the Corporation may, if they think fit, establish a temporary hospital or ward for the treatment of the disease, and provide proper fittings, furniture, conveniences, medical appliances, and other things necessary or proper

for the hospital or ward, and engage medical attendants and nurses for the service of the same.

Power to regulate scales, beams, &c.

301. The Corporation may from time to time make byelaws for securing the effectual inspection, adjustment, and regulation of scales, beams, steelyards, and other machines and apparatus for weighing used in so much of the borough as is not within the manor of Wakefield, and by any such byelaw, in addition to or in lieu of the imposition of any penalty, may provide for the seizure and confiscation of any instrument or thing found to be fraudulent or improper.

Sect. 142 of 10 & 11 Vict. c. 34. to extend to this Act.

302. Notwithstanding anything in this Act contained, section 142 of "The Towns Improvement Clauses Act, 1847," shall remain in force and extend to the whole borough and to the borough fund.

XXII.—EXECUTION OF WORKS GENERALLY.

Power to execute works, &c. in default of person liable.

303. Whenever by this Act or any byelaw thereunder, or any notice or order of the Corporation, any work, act, or thing is required to be done by any owner, occupier, or other person, and default is made therein, or if any such work, act, or thing is improperly or insufficiently done, the Corporation may cause such work, act, or thing to be executed, re-executed, or done (as the case may require), and also whenever any work, act, or thing is by this Act, or by any such byelaw, notice, or order as aforesaid, prohibited being done, and it nevertheless is done, the Corporation may remove, abate, or alter the work, act, or thing so done; and the expenses incurred by the Corporation in any such case, or incidental thereto, with a commission at the rate of five per centum on the amount thereof in respect of surveying and superintendence, shall be repaid to them by the person making default in the execution or doing of, or improperly or insufficiently or unlawfully executing or doing, such work, act, or thing, as the case may be, notwithstanding any penalty may be imposed upon such person by this Act or any such byelaw.

Power to enter and inspect.

304. The Corporation, by their officers and servants, may at all reasonable times in the daytime, and after twenty-four hours notice to the occupier of the premises, or if there is no occupier to the owner, from time to time enter upon any building or lands for the purpose of inspecting any works or buildings in progress of construction or alteration, or of making such examination as may be

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necessary to ascertain whether the provisions of this Act or of any byelaw thereunder have been complied with, or of carrying into execution any of the powers contained in this Act or in any such byelaw, without being deemed trespassers or liable to any action, indictment, or other proceeding on account thereof.

Penalty on occupiers opposing execution of Act.

305. In case the occupier of any building or lands prevents the owner thereof from carrying into effect in respect thereof any of the provisions of this Act or of any byelaw thereunder, then, after notice of this provision given by the owner to the occupier, any justice, upon proof thereof, may make an order in writing requiring the occupier to permit the owner to execute all such works with respect to such building or lands as may be necessary for carrying into effect the provisions of this Act or of any such byelaw; and if after the expiration of ten days from the service of such order the occupier continues to refuse to permit the owner to execute any such work he shall for every day during which he so continues to refuse be liable to a penalty not exceeding five pounds, and during the continuance of such refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Occupier in default of owner may execute works, and deduct expenses from his rent.

306. Whenever default is made by the owner of any building or lands in the execution of any work by or by virtue of this Act or any byelaw thereunder required to be executed by him, the occupier of such building or lands may, with the approval of the Corporation, cause such work to be executed, and the expense thereof shall be repaid to the occupier by the owner, and the occupier may deduct the amount of such expense out of the rent from time to time becoming due from him to the owner.

Power to keep materials, &c.

307. The Corporation may from time to time provide and may keep such materials as they think requisite for enabling them to execute any works which they are by this Act authorised or required to execute.

XXIII.—RECOVERY OF NEW STREET AND OTHER EXPENSES.

Recovery of new street and other expenses from owners and others.

308. All new street expenses, and all other expenses by this Act or any byelaw thereunder made payable by or recoverable from the owner of any building or lands, or from the occupier of any building or lands, or from any other person, shall, if not paid on demand, be recoverable by the Corporation, with interest thereon from the

expiration of one month after such demand, at the rate to be determined by the Corporation, not exceeding five pounds per centum per annum, either as a debt from such owner or from such occupier, or from such other person (as the case may be), in any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner, or of such occupier, or of such other person (as the case may be), and any justice may issue his warrant accordingly.

Expenses to be a charge on lands as mortgaged.

309. All new street expenses, and other expenses by this Act or any byelaw thereunder made payable by or recoverable from the owner of any building or lands, with such interest thereon as by this Act or any such byelaw is provided for, shall be a charge on such building or lands in priority to any incumbrance or charge on or affecting the same.

Extent to which occupier liable in default of owner.

310. Where under the provisions of this Act any money is payable by or recoverable from the owner of any buildings or lands, the occupier thereof shall be liable from time to time to the extent of the amount of the rent for the time being due from him to such owner, or of the proportion of rent in respect of any current period (the burden of proving which amount shall be on the occupier), but only as from the service on the occupier of a demand of payment of rent to the Corporation and notice not to pay the same to the owner, and every such occupier shall be entitled to deduct any money paid by him (together with all costs, charges, and expenses incurred by him in respect of the payment thereof to the Corporation, or in respect of the recovery thereof by the Corporation) out of the rent due or becoming due from him to such owner.

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

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

(1.) The Corporation may enter into receipt of, and demand and receive from tenants and occupiers and persons liable, the

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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 Corporation, and the receipt of the treasurer, or of any officer of the Corporation appointed in that behalf, shall be and shall alone be an effectual discharge for the same:

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

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

Application of rents and profits received.

312. All rents and profits received in respect of any such building or lands as aforesaid shall be applied in the manner and in the order following; (namely,)

(1.) There shall be paid thereout all 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 Corporation in relation thereto by reason or in consequence of the failure of the owner thereof to pay any new street expenses or other expenses as aforesaid:

(2.) There shall be retained on behalf of the Corporation the amount which the owner is at the time of the commencement of such receipt by the Corporation liable to pay on account of new street or other expenses, and interest in respect of the same or any other buildings or lands in the same or any other street:

(3.) There shall be paid any chief rent payable in respect of the building or lands:

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

Right of Corporation to rents to exclude that of owner, &c.

313. Whenever the Corporation so enter into receipt of the rents and profits, or into possession of any such building or lands, then for and in respect of the period during which their claim against the owner for new street or other expenses is unsatisfied, as well after the termination of that period as during its continuance, the owner of the building or lands, and the owner of any chief rent issuing thereout, shall not have any right to receive any rents or profits of the building or lands, or have any interest therein, except under the provisions of this Act directing the application of rents and profits received by the Corporation, and for and in respect of the period aforesaid, as well after its termination as during its continuance, every or any such right shall, as against any lessee of the building or lands, or other person taking through or under the Corporation, be by virtue of this Act absolutely extinguished.

Saving for special contracts as to expenses of works.

314. Nothing in this Act shall alter the liabilities respecting the payment of any expenses made payable or recoverable by this Act, or any byelaw thereunder, of any owner and occupier as between themselves under any special contract relative thereto made before or after the commencement of this Act.

Power to allow time for repayment of new street expenses, &c.

315. When any new street or other expenses are to be repaid by the owners or occupiers of buildings or lands the Corporation may, by resolution, allow to the owners or occupiers, or any of them, time for the repayment thereof or of any part thereof, and may order the same or any part thereof to be repaid either in one sum or by such instalments as the Corporation think fit, with interest for the principal money from time to time remaining unpaid, after such rate as the Corporation determine; but all sums so remaining due, notwithstanding that the Corporation agree so to allow time, shall from time to time, at the expiration of the several times allowed, be recoverable from the respective owners and occupiers for the time being, both present and future, in succession one after another, as the same would have been recoverable from the original owner or occupier if no such time had been allowed, and with respect to any such instalment, the time limited by this Act or otherwise for the recovery of expenses shall be deemed to run only from the time when such instalment becomes due.

Persons having partial interests

316. All owners of buildings or lands being tenants for life only, and all committees of lunatics, and all trustees seised, possessed of,

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may raise expenses by mortgage.

or entitled to any estate or interest, either at law or equity, in any buildings or lands for or on behalf of any person or charity, may charge such buildings or lands with such sum as may be necessary to defray the whole or any part of any new street or other expenses which the owners of such buildings or lands for the time being are liable to pay, and the expenses of making such charge; and for securing the repayment of such sum, with interest, may mortgage such buildings or lands to any person advancing such sum, but so that the principal money due on any such mortgage shall be repaid within twenty years.

Same rules to apply as to works previous to Act.

317. With respect to any new street or work begun or executed by the Corporation before the commencement of this Act, or by their predecessors, the Huddersfield Improvement Commissioners, or by any local board now merged in the council, the provisions of this Act relative to new street and other expenses shall apply in every such case as if such new street or work was begun after the commencement of this Act; and all notices given and proceedings taken before the commencement of this Act, with a view to the beginning or execution of any such street or work, or to the recovery of the expenses thereof, shall be as effectual to all intents as if the same had been given or taken in accordance with the provisions of this Act, and all such notices and proceedings may after the commencement of this Act be acted on and continued as if they had been given and taken under this Act.

XXIV.—LANDS.

Incorporation of general Acts.

318. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, (except the provisions thereof relating to access to the special Act,) as far as they are applicable for the purposes of and not inconsistent with this Act, are hereby incorporated with this Act.

Owner may be required to sell parts only of certain houses, &c.

319. And whereas in the case of the several properties hereinafter referred to portions only thereof will be sufficient for the purpose of effecting the improvements and works by this Act authorised, and those portions can be severed from the remainder of the several properties without any material detriment thereto: Therefore, notwithstanding section 92 of "The Lands Clauses Consolidation Act, 1845," be it enacted, that the owners of and persons interested in the lands and buildings numbered respectively on the deposited plans and in the deposited book of reference 1, 2, 8, 12, 13, 14, 15, 16, and 33, in the parish of Almondbury, and 106,

124, 275, 276, 277, 278, 280, 281, 282, 284, 297, and 298, in the parish of Huddersfield, may be required to sell and convey to the Corporation the parts only of the premises required for the improvements and works shown on such plans, the Corporation paying for the parts so required, and making compensation for any damage sustained by such owners; and in taking or requiring such parts only of properties by this section authorised to be taken, the Corporation shall specify to the owners thereof the nature of the works intended to be executed thereon, and the height and situation of buildings, if any, proposed to be erected thereon, and shall not afterwards vary the situation and lines of such specified works, or increase the height of such buildings, without the consent in writing of such owners.

Power to take lands.

320. The Corporation may from time to time enter on, take, and use such of the lands shown on and described in the deposited plans and book of reference as they require for the purposes of any Act, or for providing space for the erection of houses and buildings adjoining or near thereto.

Correction of errors, omissions, &c.

321. If any omission, mis-statement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands described or intended to be described in the deposited plans or book of reference, the Corporation may apply to two justices, not being members of the council, for the correction thereof, after giving ten days notice to the owners of the lands affected by the proposed correction; and if it appears to such justices that the omission, mis-statement, or erroneous description arose from mistake, they shall certify the same, stating the particulars of the omission, mis-statement, or erroneous description, and such certificate shall be deposited with the clerk of the peace for the west riding, and shall be kept by him with the other documents to which it relates, and subject and according to the same enactments and provisions as apply to those other documents, and thereupon the deposited plans or book of reference, as the case requires, shall be deemed to be corrected according to the certificate, and the Corporation may enter on, take, hold, and use those lands accordingly.

Provision as to houses of labouring classes.

322. The Corporation shall, not less than eight weeks before, under the powers of this Act, they take compulsorily in any district of the borough houses amounting to fifteen in number occupied by persons belonging to the labouring classes either wholly or partially as tenants or lodgers, make known their intention to take such houses by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the

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Corporation shall not take compulsorily any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Corporation have so made known their intention, and any justice, on production of such evidence as he thinks sufficient, shall grant such certificate.

Time for compulsory purchase.

323. The powers of the Corporation for the compulsory purchase of lands for purposes of this Act shall not be exercised after the expiration of the following periods from the commencement of this Act; (that is to say,)

For purposes of new streets and improvements of streets and bridge, ten years:

For any other purpose of this Act, five years.

Power to take additional lands by agreement.

324. The Corporation may from time to time for the purposes of this Act take by agreement, in addition to the lands which they are authorised to take by compulsion, any lands within the borough, and may hold the same, but the lands held by them under this provision, exclusive of lands held for purposes of parks, recreation grounds, and public gardens, shall not exceed in the whole at any one time twenty acres, or inclusive thereof one hundred acres.

Power to agree for easements, &c.

325. The Corporation may take by agreement, and any person by the Lands Clauses Consolidation Act, 1845, or otherwise enabled to sell lands may grant to them, any term, estate, easement, interest, right, or privilege (other than a right or privilege of water) in, over, affecting, or belonging to lands, at a yearly rent or otherwise; but in the case of a person not enabled otherwise than by the Lands Clauses Consolidation Act, 1845, to sell lands, then, subject and according to the provisions relative to the taking of lands by agreement contained in that Act, and the Lands Clauses Consolidation Acts Amendment Act, 1860, for which purpose any such term, estate, easement, interest, right, or privilege shall be deemed lands within the meaning of those Acts.

Power to grant building leases of lands near park, &c.

326. In case any lands acquired by the Corporation before or after the commencement of this Act for the purpose of any park or new street for the time being authorised to be made by the Corporation are not laid into and made part of the park or street, or where any lands are taken by the Corporation for providing space for the erection of buildings adjoining to or near any street or improvement, or in case, in the opinion of the Corporation, it shall be desirable to sell or lease the same, the Corporation, when and as they think fit, may convey the same absolutely to any person willing to purchase the same, or demise for any term of years such lands, or any parts thereof, to any persons agreeing to erect thereon, or any parts

thereof, erections and buildings of such rate or class of buildings, and upon such plan and elevation, and of such height, and with such storeys, and with such yards or gardens, as the Corporation think proper; and the Corporation may (if they think fit) take any fine for any such conveyance or lease, and may (if they think fit) reserve any rent in any such conveyance or lease, and every such conveyance or lease shall contain a covenant for the payment of any rent thereby reserved, and such other covenants on the part of the grantee or lessee as the Corporation think reasonable, and may contain a clause in the nature of a condition of re-entry on nonpayment of any rent thereby reserved or nonperformance of the covenants on the part of the grantee or lessee therein contained.

Power to make agreements as to building leases, &c.

327. The Corporation may, if they think fit, from time to time enter into any agreement for such a conveyance or lease on such terms and conditions as they think fit, and on making a conveyance or lease in pursuance thereof may alter the amount of the rent agreed to be reserved, and may apportion the same and make separate leases of any parts of the lands comprised in the agreement as they think fit, and may alter or rescind any such agreement, and the Corporation may accept any re-conveyance or the surrender of any lease for the purpose of making separate conveyances or leases of the same lands in parcels at apportioned rents, or another conveyance or lease of the same lands under different covenants, or otherwise, in all respects as they think fit.

Sale of land subject to building leases, &c.

328. The Corporation, as and when they think fit, and either before or after any such conveyance or lease is granted, may sell and dispose of any rent reserved or agreed to be reserved for any such lands, and the reversion and inheritance in fee simple in possession (subject to any such lease or agreement of or concerning the lands) of such erections and buildings, except such as have been otherwise disposed of under this Act, either altogether or in parcels, by public auction or by private contract, for such price as the Corporation think reasonable, and subject to such stipulations and provisions for the enjoyment thereof, and as to the nature of the erections and buildings which are to be at all times erected thereon, and to such stipulations as to the title to be produced to the hereditaments sold, as the Corporation think fit; and the Corporation shall, at the request and expense of each purchaser, on payment of his purchase money, by deed convey and assure the lands purchased by him, with the erections and buildings thereon, and the appurtenances, to the purchaser, his heirs and assigns, or as he directs, free from incumbrances, except the building, conveyance, lease, or agreement of or concerning the same made under this Act.

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Power to sell without previous grant of building lease.

329. The Corporation, if they think it expedient, may from time to time sell and dispose of, in manner herein-before directed, any such lands as aforesaid without having previously made or agreed to make any conveyance or lease thereof, and convey and assure the same to the purchaser thereof for such price, and upon, under, and subject to such covenants and agreements on the part of the purchaser with respect to the rate or class of the erections and buildings to be erected thereon, and the height, size, and elevations thereof, and the time and manner of erecting the same, and with respect to any other matters, restrictions, and things relating thereto, as the Corporation think fit.

Sales to be made within limited time.

330. The Corporation shall, before or at any time within ten years after the completion of the park or street for the purposes whereof any lands are acquired, sell or dispose of and convey such parts of those lands as are not wanted for the purposes of the same park or street, or of any other park or street for the time being authorised to be made by the Corporation; but nothing in the present section shall compel the Corporation to sell or dispose of rents reserved in any such conveyances or leases as aforesaid.

Power to sell, &c. lands not wanted.

331. Subject to the other provisions of this Act, the Corporation may from time to time sell, lease, exchange, or otherwise dispose of any building or lands, or any parts thereof, vested in them at the commencement of this Act, or acquired by them under this Act and not wanted for the purposes thereof, and make, execute, and do any deed, act, or thing proper for effectuating any such sale, lease, exchange, or other disposition.

Application of purchase money of land.

332. Any purchase money received on any sale of land, and any money received for equality of exchange by the Corporation under this Act, shall be distinguished as capital in the accounts of the Corporation, and shall be applied exclusively for purposes for which money borrowed under this Act is applicable, or in discharge of money so borrowed, and any money so discharged shall not be re-borrowed.

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

333. Except as to buildings or lands acquired by the Corporation under any Act repealed by this Act, or under the Public Health Acts, or under this Act, nothing in this Act shall enable the Corporation to sell, alienate, encumber, or demise for the purposes of this Act, without the approbation of the Commissioners of Her Majesty's Treasury signified in writing, any buildings or lands which they could not have sold, alienated, encumbered, or demised without such approbation before the commencement of this Act.

XXV.—BOROUGH FUND AND BOROUGH RATE.

Other provisions as to borough fund and rate, &c. excluded.

334. From and after the commencement of this Act, the provisions of the Municipal Corporations Acts relative to the creation of a borough fund, and to the levying of borough rates and watch rates, and the provisions of any Act authorising the levying of rates for the purposes of baths and wash-houses, and bathing-places, libraries, and museums, schools of science and art, shall cease to apply to the borough.

Borough fund.

335. For the purposes of this Act there shall be a fund called the borough fund, and with respect thereto the following provisions shall have effect; (namely,)

(1.) From and after the commencement of this Act there shall be paid to the treasurer, and by him on receipt carried to the borough fund, all such rents and profits of land as are under this Act or otherwise for the time being receivable by the Corporation, or any member or officer thereof as such, and all money as belonging or payable to the Corporation, or any member or officer thereof as such (except money borrowed under the authority of this Act), including the following particulars; (namely,)

All money in the hands of the treasurer on the borough or any district fund account at the commencement of this Act:

All money from time to time payable for new street or other expenses, purchase money of, consideration for, and fines on land sold, leased, exchanged, or disposed of by the Corporation under this Act, market, fair, and slaughter-house tolls, rents, and stallages, sums received by the Corporation for the sale or other disposal of sewage, and in respect of the burial ground, and of baths and wash-houses, fees for licenses, and fines and penalties inflicted under this Act or under the Municipal Corporations Acts (except as therein otherwise provided):

But this enumeration of certain particulars shall not restrict the generality of the description before given in the present provision:

(2.) Out of the fund there shall be paid all the expenses of the Corporation under the Municipal Corporations Acts and this Act, and the Acts relating to the burial ground, and otherwise:

(3.) In case the fund is at any time more than sufficient to pay the expenses payable thereout, the surplus thereof shall

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be applied under the direction of the council for the public benefit of the inhabitants or improvement of the borough.

Power to levy borough rate.

336. In case the borough fund is at any time insufficient to pay the expenses payable thereout, the Council shall from time to time, annually or oftener, as and when they think fit, estimate as correctly as may be the amount, in addition to the borough fund, which will be sufficient to pay those expenses, and shall raise the same by means of a rate called the borough rate; and accordingly such a rate the Corporation shall, annually or oftener, as and when they think fit, make, assess, and levy on the occupiers of all such kinds of property as by the laws in force for the time being are assessable to any rate for the relief of the poor according to the net annual value of such property; and the Corporation may levy any such rate either in one sum or payment or by such number of instalments, of such amounts, and to be paid at such times, as they shall from time to time fix and determine at the time of making such rate; and in the case of a rate payable by instalments, the demand note shall, in addition to other requisite particulars, state the times appointed for payment of such instalments; and all the powers and remedies of the Corporation for the recovery of rates shall extend and apply to each instalment as fully as if the same were a separate rate.

Distinct estimates for sewers, &c.

337. The Corporation in estimating on each occasion the amount required to be raised by the borough rate shall distinguish what is required for the following purposes; (namely,)

Sewer purposes:
Burial ground purposes:
Lodging-house purposes.

Separate accounts for districts.

338. The Corporation shall keep separate accounts of receipts and expenditure in respect of the several districts of the borough for all purposes for which the rates are not equal and uniform throughout the borough, and in those accounts shall debit each district with the expenditure made in and for the same, and shall credit each district with the receipts therefrom in respect of borough rate or otherwise.

Borough rate to vary according to districts.

339. The Corporation in making from time to time the borough rate shall have regard to the state of the separate accounts and expenses of the several districts aforesaid, and may vary according thereto the rate and the amounts to be for the time being raised by the borough rate in the several districts, but they may make the borough rate, or such proportion thereof as is applicable to highways, sewers, lighting, scavenging, or other general purposes, uniform

over the whole borough, or over any two or more districts thereof; and from the time of any parts or proportions of borough rate being so made uniform the keeping of separate accounts for the several districts of the expenditure represented by the rate or proportion of rate so made uniform shall cease: Provided that the rate or proportion of rate for any purpose for which the rates are not uniform and equal throughout the borough at the commencement of this Act shall not be equalised or made uniform except by resolution passed by the votes of at least two thirds in number of the whole council.

Rates may be prospective or retrospective.

340. The Corporation may make any rate prospectively in order to raise money to pay expenses to be incurred after the making of the rate, or retrospectively in order to raise money to pay expenses incurred before the making of the rate, whether before or after the commencement of this Act, or partly prospectively and partly retrospectively.

Assessments for tithes, railways, &c. in certain cases.

341. Whenever and as far as the Corporation make a borough rate as follows; (that is to say,)

(1.) On the Improvement Act area described in the second schedule to this Act for purposes other than the following; (namely,) purposes of the Municipal Corporations Acts, and purposes mentioned in or authorised by the Improvement Act of 1848, and enactments incorporated therewith;

(2.) On any other part of the borough for purposes other than the following; (namely,) highway purposes, police purposes, and purposes of the Municipal Corporations Acts;

then and with respect to so much of the rate as is made on the respective parts of the borough aforesaid for purposes other than the purposes aforesaid, the owner of any tithes or tithe commutation rentcharge, and the occupier of any land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, and the occupier of any land covered with water or used only as a canal or towing-path for the same, or as a railway constructed or used under the powers of any Act of Parliament for public traffic, shall be assessed in respect of the same in the proportion of one fourth part only of the net annual value thereof, or shall have the benefit of this partial exemption by means of a proportionate deduction or abatement from the amount assessed.

Power to rate owner instead of occupier in cases described.

342. The owner instead of the occupier of the property may from time to time, at the option of the Corporation, be rated in the following cases; (namely,)

(1.) Where the rateable value of the property rated does not exceed the sum of six pounds;

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(2.) Where buildings are let in separate apartments;

(3.) Where the rents become payable or are collected at any shorter period than quarterly;

(4.) Where the property rated is a mill, manufactory, machine shop, or other work wherein or in any part whereof steam power is supplied by the owner;

and where the owner is so rated he shall be entitled to a deduction of ten per centum on the amount of the rates when paid by him.

Value of property to be ascertained according to poor rate.

343. Subject to the other provisions of this Act, the net annual value of all property rateable under this Act shall on every occasion of a rate being made be ascertained according to the then next preceding assessment for the relief of the poor within the borough.

Power for council, &c. to inspect parish rate books.

344. The council may cause all or any of the books or assessments of rates for the relief of the poor within the borough to be produced before them or their proper officer at their office, and may cause a copy thereof, or of any part thereof, to be taken without payment, and if any person in whose custody or power any such book or assessment is fails, when required, to attend the council therewith, or to permit the council to cause to be taken a copy thereof, or of any part thereof, he shall be liable to a penalty not exceeding fifty pounds.

Assessment to rates in case of unoccupied premises.

345. If at the time of making any borough rate any premises in respect of which the rate may be made are unoccupied such premises shall be included in the rate, but the rate shall not be charged on any person in respect of the same whilst they continue to be unoccupied, and if any such premises are afterwards occupied during any part of the period for which the rate was made, and before the same has been fully paid, the name of the incoming tenant shall be inserted in the rate, and thereupon so much of the rate as at the commencement of his tenancy is in proportion to the remainder of the said period shall be collected, recovered, and paid in the same manner in all respects as if the premises had been occupied at the time when the rate was made; but the exemption in this section of unoccupied premises shall not apply to that portion (if any) of any borough rate which is assessed in respect of sewers, and the owner of any unoccupied premises shall be liable to that portion of the rate.

Apportionment of rates between outgoing and incoming tenants, &c.

346. If any owner or occupier assessed or liable to the borough rate ceases to be owner or occupier of the premises in respect whereof he is assessed or liable before the end of the period for which the rate was made, and before the same is fully paid, he shall be liable to pay only a part of the rate proportionate to the

time during which he continues to be such owner or occupier; and if any person afterwards becomes owner or occupier of the premises during part of the same period he shall pay a part of the rate proportionate to the time during which he continues to be such owner or occupier, and the same shall be recovered from him in the same manner as if he had been originally assessed or liable.

If poor rates considered an unfair criterion, a valuation to be made.

347. If at any time the rate for the relief of the poor is in the judgment of the Corporation an unfair criterion by which any rates under this Act should be made, they may cause a valuation to be made of all or any part of the rateable property within the borough by some competent person, and any rate under this Act shall, as to the property comprised in such valuation, be made upon such valuation.

Power to valuer to enter and examine lands, &c. for purposes of valuation.

348. For the purpose of every such valuation the person appointed for making the same, together with his assistants, may at all reasonable times until the same is completed enter, view, and examine, survey, and admeasure all and every part of the property to be valued, and do any act or thing necessary for making such valuation, but any valuation made previously to the appointment of such person, if tendered to him, and if in his judgment a just and true valuation, may be used by him.

Form of rate.

349. Every borough rate made under the authority of this Act shall be fairly transcribed in a book, and shall be sealed with the common seal of the Corporation, and no allowance, publication, or other formality whatever other than such as is expressly prescribed by this Act shall be requisite to the validity of any such rate.

Owner may be rated without stating his name.

350. Where the name of any owner liable to be so rated is not after diligent inquiry known to the officer of the Corporation by whom the rate book is made, it shall be sufficient to rate such owner in the rate book as the owner of the property to be rated by the designation of "the owner," without stating his name.

Notice of rate to be given.

351. Notice of every borough rate made under this Act having been made, and of the place where the rate is deposited, shall be given by the Corporation by placard posted on or near the door of the town hall, and by advertisement in a newspaper published in the borough within seven days next after the rate is made, and in the case of a railway company notice in writing of the rate shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business, but it shall not be necessary in any case to prove that such notice has been given.

Rate to be open to inspection of ratepayers.

352. Immediately after any borough rate is made the same shall be open to the inspection of any person rated at all seasonable times,

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and any such person may take copies of or extracts from such rate without payment, and if the person having the custody of such rate does not permit any person rated to take such copies or extracts he shall be liable to a penalty not exceeding five pounds.

Power to amend rates.

353. The Corporation may from time to time amend any rate by inserting therein the name of any person who ought to have been rated, or who since the making thereof has become liable to be rated, or by striking out the name of any person who ought not to have been rated, or by increasing or reducing the sum at which any person is rated, or by making such other alterations therein as will make such rate conformable to this Act; and no such alterations shall be held to vitiate the rate or render it less operative, but any person shall have the same right to appeal from any such amendment as he would have had if the matter of amendment had appeared in the rate originally made, and with respect to him the amended rate shall be considered to have been made at the time when he received notice of the amendment; and in the case of any person the amount of whose rate is increased by the amendment, or whose name is newly inserted as aforesaid, the rate shall not be payable by him until seven days after notice of the amendment given to him.

Persons aggrieved by inequality of rate may apply to council.

354. If any person thinks himself aggrieved by any rate on the ground of inequality, unfairness, or incorrectness in the valuation of any rateable property included therein, he may, at any meeting of the council held at any time within six weeks after the publication of the rate, on giving six days notice to the Corporation, apply for relief to the council, and the council, if they think such person aggrieved, may give such relief as to them seems reasonable.

Rates may be recovered by action or distress.

355. If any person fails to pay the amount due by him in respect of any rate, the Corporation may recover the amount, with the costs and expenses, by proceeding in any court of competent jurisdiction, or any justice may, on the application of the Corporation, summon such person to appear before him or any other justice at the time to be mentioned in the summons, to show cause why the rate due from him should not be paid, and in case sufficient cause for the nonpayment of such rate is not shown, the same, with such costs as to the justice seems reasonable, may be levied by distress, and such justice may issue his warrant accordingly; provided that if sufficient distress cannot be found within the borough whereon to levy the said rate and costs, and it so appears upon oath before a justice of any other jurisdiction in which any goods or chattels of the defaulter may be, the last-mentioned justice shall endorse his signature upon the said warrant, and thereupon the amount to be levied, or so much thereof as is unsatisfied, shall be levied off the

last-mentioned goods and chattels as if the defaulter had been assessed in the last-mentioned county or jurisdiction.

Rates made for a certain period to be apportioned.

356. When any rate is made for a particular period, and the owner or occupier rated ceases to be the owner or occupier of the property in respect whereof he is rated before the end of such period, he shall only be liable to pay the proportion of the rate for the time during which he continued owner or occupier; and if any other person becomes the owner or occupier of the property during any part of such period, such person shall only be liable to pay the proportion of the rate for the time during which he holds or occupies the property, and the same may be recovered from him as if he had been originally rated.

Recovery of rates from persons removing.

357. In case any person quits or is about to quit any rated property before he has paid all rates due from him, and fails to pay the same on demand, the collector or any constable may, by warrant under the hand of a justice (which warrant a justice is hereby authorised and required to grant without issuing any previous summons to such person, upon proof to his satisfaction of such removal or intended removal, or that there is reason to suspect the same), distrain the goods and chattels of such person, and sell the same, rendering the overplus (if any), after having deducted the reasonable expenses attending such distress and sale, together with the rates so due, to the owner of such goods and chattels upon demand.

Reduction or remission for poverty.

358. The Corporation may, if they think fit, reduce or remit to any person the payment of any rate on account of his poverty.

Rate books to be evidence.

359. The books of the Corporation shall be received as evidence of rates made by the authority of this Act.

Produce of rate to be carried to borough fund.

360. All money levied by means of the borough rate shall be paid to the treasurer, and shall be carried to and shall form part of the borough fund, and shall be applied accordingly.

XXVI.—BORROWING POWERS.

Power to borrow to specified amount.

361. The Corporation may from time to time, for defraying the expenses of the execution by them of this Act, in addition to any mortgage debts existing at the commencement of this Act, and charged on the borough fund or borough rates, or on any fund or any rates of any district of the borough, or authorised by any Act relating to the borough or to any part thereof, borrow at interest on the security of the borough fund and borough rate any sums not exceeding in the whole one hundred and fifty thousand pounds, and may mortgage the borough fund and borough rate to secure repayment thereof, with interest, accordingly.

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General borrowing power.

362. Notwithstanding any limitation in this Act, and in addition to any sum specifically authorised to be borrowed under this Act, the Corporation may from time to time borrow at interest on the security of the borough fund and borough rates so much money as they deem necessary for defraying the expenses of the execution by them of this Act, so that the money borrowed under this section do not at any time exceed in the whole the assessable value for one year of the property within the borough rateable to the borough rate, and may mortgage the borough fund and borough rate to secure repayment thereof, with interest, accordingly.

Saving for Waterworks Act.

363. Nothing in this Act shall authorise the Corporation to borrow on the security or for purposes of their waterworks undertaking, or otherwise affect the Huddersfield Waterworks Act, 1869.

Power to make lands security.

364. With respect to money for the time being borrowed by the Corporation for the purchase of lands for sewerage works or distribution of sewage, or for purposes connected therewith, the Corporation may give those lands, or any of them, as the primary security for the money so borrowed.

Transfer to borough fund.

365. Subject to the foregoing provisions, all borrowed money at the commencement of this Act charged on the borough fund created by the Municipal Corporations Acts and the borough rate thereunder, or either of them, or on the funds or rates of the several districts of the borough, is hereby transferred to and charged on the borough fund and borough rate, and all mortgages issued before the commencement of this Act shall have effect accordingly.

Payment of existing charges.

366. The Corporation may from time to time call in, convert, or pay off with money borrowed under this Act all or any of the mortgages and debts existing at the commencement of this Act, and charged on any fund or rate other than the borough fund or borough rate.

Power to Public Works Loan Commissioners to lend money.

367. The Public Works Loan Commissioners may advance to the Corporation on the security of the borough rate, without any further security, such sums of money as those commissioners think fit, to be applied by the Corporation in carrying into effect the purposes of this Act.

Protection of lenders from inquiry.

368. A person lending money to the Corporation shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application or be answerable for any loss or non-application of such money, or of any part thereof.

Power to re-borrow.

369. If the Corporation pay off any part of any money borrowed by them under this Act or under any former Act, and remaining

unpaid at the commencement of this Act, otherwise than by means of a sinking fund, they may re-borrow the same, and so from time to time.

Application of money borrowed.

370. All money borrowed under this Act shall be appropriated to purposes for which it is authorised to be borrowed, and shall be expended exclusively on works or objects on which capital may properly be expended, and not in defraying the expenses of maintenance of any works or other ordinary current expenses of or connected with any work or establishment.

Saving for existing charges.

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

Regulations as to mortgages.

372. With respect to mortgages made under this Act, the following provisions shall have effect; (namely,)

(1.) Every mortgage shall be by deed under the corporate seal of the Corporation:

(2.) The mortgagees, and their respective representatives and assigns, shall in proportion to the sums secured be creditors on the property mortgaged to them respectively, equally one with another, without preference by reason of priority of date or otherwise:

(3.) A register of the mortgages shall be kept by the town clerk, and within fourteen days after the date of each mortgage an entry of the number and date thereof, and of the names of the parties thereto, with their additions, shall be made in the register, which may be perused at all reasonable times by any person interested in any mortgage, without payment.

Transfers of mortgages.

373. With respect to transfers of mortgages made under this Act, the following provisions shall take effect; (namely,)

(1.) Any person entitled to a mortgage may transfer his interest therein to any other person by deed:

(2.) Within thirty days after the date of every such deed of transfer it shall be produced to the town clerk, who shall

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cause an entry thereof to be made in a registry of transfers of mortgages, on payment of a sum not exceeding five shillings, and after such entry every such transfer shall entitle the transferee, his representatives and assigns, to the full benefit of the original mortgage in all respects (including the power of transfer), and any person having made such a transfer shall not have power to release or discharge the mortgage transferred, or any money thereby secured.

Repayment of money borrowed on mortgage.

374. With respect to the repayment of money borrowed on mortgages made under this Act, the following provisions shall take effect; (namely,)

(1.) The Corporation may, if they think proper, fix a period for such repayment, and in that case they shall cause such period to be inserted in the mortgage, and on the expiration thereof the principal sum, with the interest accrued thereon, shall, on demand, be paid to the person entitled to receive the same, and if the place of payment is not inserted in the deed the payment shall be made at the town hall:

(2.) If a time is not fixed in the mortgage deed for such repayment, the person entitled to receive such money may at any time after the expiration of twelve months from the date of such deed demand payment of the principal money thereby secured and interest, on giving six months previous notice for that purpose; and in the like case the Corporation may at any time pay off the money borrowed on giving the like notice, and every such notice shall be in writing or print, or partly in writing and partly in print, and if given by the Corporation shall be given personally to the person entitled as aforesaid, or left at his residence, or if he is unknown to the Corporation, or cannot be found after diligent inquiry, such notice shall be given by advertisement in the London Gazette:

(3.) If the Corporation give notice of their intention to pay off any mortgage at a time when the same may be lawfully paid off by them, then at the expiration of such notice all further interest shall cease to be payable thereon, unless on demand of payment made pursuant to such notice, or at any time thereafter, the Corporation fail to pay the principal and interest due at the expiration of notice:

(4.) In order to discharge the principal money borrowed or continued as a charge, or transferred under this Act, the Corporation shall every year, by the borrowing or the transfer thereof, appropriate out of the borough fund a

sum equal to one fiftieth part of the amount originally borrowed on the security of that fund for a sinking fund, to be from time to time invested in the purchase of Exchequer bills or other Government securities, and to be increased by accumulation in the way of compound interest, or otherwise, until the same is of sufficient amount to pay off the principal debts or some part thereof which the Corporation think ought then to be paid off, at which time the same shall be so applied in paying off the same:

(5.) Whenever the Corporation are able to pay off one or more of the mortgages payable, but are not able to pay off the whole of the same class, they shall decide by lot the order of payment among that class, and shall cause a notice, signed by the town clerk, to be given to the persons entitled to the money to be paid off according to such decision, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid, together with the interest due thereon, at a place to be specified, at the expiration of six months from the date of such notice.

Power for mortgagees to obtain a receiver.

375. With respect to a receiver, the following provisions shall take effect; (namely,)

(1.) If within thirty days after the interest accruing upon any mortgage made under this Act has become payable, and after demand thereof in writing, the same is not paid, the mortgagee may (without prejudice to his right to sue for the same) require the appointment of a receiver:

(2.) If within six months after the principal money owing upon any such mortgage has become payable, and after demand thereof in writing, the same is not paid, with all interest due in respect thereof, the mortgagee (without prejudice to his right to sue for such principal money and interest) may, if his debt amounts to one tenth of the whole amount for the time being due on mortgages made under this Act, alone, or if his debt does not amount to the said one tenth, then in conjunction with other mortgagees whose debts being so in arrear after demand as aforesaid together with his amount to the said one tenth, require the appointment of a receiver:

(3.) Every application for such a receiver shall be made to two justices, who may by order in writing, after hearing the parties, appoint some person to receive the whole or a competent part of the income producing the borough fund until such interest, or until such principal and interest (as the case may be), with all costs (including the charges of

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receiving the income), be fully paid, and thenceforth all such income, or such part thereof as the justices order, shall be paid to the receiver so appointed, and the money so paid shall be so much money received to the use of the person on whose behalf the receiver is appointed, and after such interests and costs, or such principal, interest, and costs, have been fully paid, the powers of the receiver shall cease.

Accounts open to mortgagees.

376. The books of account of the Corporation shall be open at all reasonable times to the inspection of the mortgagees of the Corporation, with liberty to take extracts therefrom without payment.

Power to raise money by annuities.

377. The Corporation may, if they think fit, raise all or any part of the money borrowed under this Act by granting annuities, either for years, or for life or lives, or in perpetuity, and for that purpose the Corporation may, by deed under their common seal, grant annuities accordingly.

Price of annuities.

378. The price to be paid for any annuity under this Act shall not be less than the price payable at the time of the contract for the same for a like annuity from the Commissioners for the Reduction of the National Debt.

Register, transfer, &c. of annuities.

379. The provisions of this Act respecting the register, transfer, and register of transfers of mortgages shall apply to the register, transfer, and register of transfers of annuities under this Act.

Coupons for interest on mortgages.

380. The Corporation may from time to time, if they think fit, issue to holders of mortgages of the Corporation coupons for the interest from time to time to fall due on the respective mortgages, which coupons may be in such form as the Corporation from time to time 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 by the signatures of two persons thereunto expressly authorised by the Corporation (which authorisation shall be presumed until the contrary is shown).

Payment of coupons.

381. On presentation to the treasurer of any such coupon the treasurer shall pay to the person so presenting the coupon the amount of interest thereon expressed and appearing by the coupon to be then due and payable, and on the audit of the treasurer's accounts the coupon shall be accepted as a sufficient warrant for the payment by him of the amount for which the coupon was issued: Provided that the treasurer shall not be bound, unless he sees fit, to make any payment of interest beyond the amount of the money of the Corporation then in his hands, and applicable in that behalf.

Power to Corporation to arrange with mortgagees and annuitants.

382. The Corporation may from time to time, when and as they think fit, exercise,—

With respect to all and every part of the money which by the former Acts relating to the borough, or any part thereof, and this Act, or any of them, the Corporation, or the Huddersfield Improvement Commissioners, or any local board now merged in the council, have been or are authorised to borrow, and the interest thereon respectively; and

With respect to all and every part of the money from time to time so borrowed, and the interest thereon respectively; and

With respect to all and every of the grants of annuities, mortgages, and other charges and securities already or hereafter made or granted, and from time to time subsisting or having effect by virtue of those Acts and this Act, or any of them; and

With respect to all and every of the principal money, interest, and annuities respectively secured by the grants, mortgages, charges, and securities, or any of them;

all or any of the powers following; (that is to say,)

They may pay or discharge, either in whole or in part, any principal sum, whether payable then or thereafter, and secured by mortgage or other charge or security, by any one or more of the ways and means following:

They may redeem, satisfy, or discharge, in whole or in part, any annuity, whether for years, or for life or lives, or perpetual, secured by grant or other charge or security, by any one or more of the ways and means following; (that is to say,)

(1.) By the immediate payment of a gross sum:

(2.) By the future payment of a gross sum, with or without interest thereon:

(3.) By securing by mortgage or other charge or security the payment of a gross sum, with or without interest thereon:

(4.) By granting an annuity, either for years, or for life or lives, or in perpetuity:

(5.) By securing by grant or other charge or security the payment of the annuity so granted:

And every such repayment, redemption, satisfaction, and discharge may be made on the terms and conditions and in the manner from time to time agreed on between the Corporation and the other person interested.

Consents to arrangements.

383. Provided that, except as far as independently of this Act the Corporation are entitled to repay, redeem, satisfy, or discharge

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any principal sum, annuity, or other charge, or any part thereof respectively, they shall not exercise any of their powers under this Act of redeeming, satisfying, or discharging, either in whole or in part, any principal money, annuity, or other charge, except with the consent of the person entitled thereto.

Restriction on redemption of annuities.

384. Provided also, that the Corporation shall not under this Act pay for the redemption of the whole or any part of an annuity for life or lives more than the sum then by law payable for the grant by the Commissioners for the Reduction of the National Debt of a like annuity of like amount as the annuity or part thereof to be redeemed, or for the redemption of the whole or any part of an annuity for years, or a perpetual annuity, more than a proportionate part of the amount of the original purchase money for the annuity.

XXVII.—BYELAWS.

Regulations as to byelaws.

385. With respect to byelaws to be made by the Corporation under this Act, the following provisions shall have effect; (namely,)

(1.) Nothing in this Act shall authorise the Corporation to make any byelaws repugnant to law or to this Act:

(2.) All byelaws shall be reduced into writing, and be under the common seal of the Corporation:

(3.) The Corporation may by any byelaw impose penalties for offences against the same, not exceeding in respect of any offence five pounds, so that all byelaws be so framed as to allow of part only of the maximum penalty being inflicted:

(4.) Penalties under byelaws shall be recoverable as penalties under this Act are recoverable:

(5.) Any byelaw shall not take effect until it is allowed by one of Her Majesty's Principal Secretaries of State (who may allow or disallow the same as he thinks proper), and any such byelaw shall not be allowed unless notice of intention to apply for allowance of the same is given by advertisement in a newspaper published or generally circulating in the borough, and by placards posted at the town hall, not less than one month before the making of such application; and for one month at least before such application a copy of the proposed byelaw shall be kept at the town hall, and be open during office hours thereat to the inspection of the ratepayers of the borough without payment, and the town clerk shall furnish a copy thereof, or of any part thereof, to every ratepayer applying for the same, on payment of sixpence for every hundred words in such copy, or if the pro-

posed byelaw has been printed by the Corporation, then at such reasonable price, not exceeding twopence for each copy, as the Corporation direct:

(6.) All byelaws when allowed shall be printed with the date at which they are made, and the town clerk shall keep a printed copy thereof at the town hall, and all persons may at all reasonable times inspect such copy without payment, and the Corporation shall cause to be delivered a printed copy, signed by the town clerk, of all byelaws for the time being in force to every person applying for the same, on payment by him of any sum not exceeding one shilling and sixpence for every such copy, and a printed copy, signed by the town clerk, of the byelaws for the time being in force relative to any particular subject to every person applying for the same, on payment by him of any sum not exceeding threepence for every such copy:

(7.) Proper extracts from the byelaws, painted or placed on boards, may be set up and kept exhibited in places to which such extracts relate, or in such conspicuous or suitable places as the Corporation think fit:

(8.) A printed copy of byelaws dated and purporting to be allowed as aforesaid, and to be signed by the town clerk, shall be primâ facie evidence of the existence and of the due making and allowance of such byelaws, without proof of the signature of the town clerk.

Existing byelaws continued for a time.

386. Any byelaws made under any enactment repealed by this Act shall remain in force for six months after the commencement of this Act, if not sooner repealed by any byelaw made under this Act, but no longer.

XXVIII.—SETTLEMENT OF DISPUTES; ARBITRATION.

Settlement of disputes as to compensation, &c.

387. Where any compensation, damages, costs, charges, or expenses is or are by this Act directed to be paid, and the method of ascertaining the amount there is not provided for, such amount shall, in case of dispute, be ascertained and determined by two justices not being members of the council, and such justices may take the advice of any surveyor or architect or other person skilled in the matter; and where the mode of recovery for any compensation, damages, costs, charges, or expenses is not provided for, the same shall be recovered before two justices not being members of the council, and in either case any justice, upon the application of either party, may summon the other party and any witness to appear before two justices at a time and place to be named in such summons, and on the appearance of the parties, or in the absence of either of them, on proof of due service of the summons, such two justices shall

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hear and determine the matter, and shall award such sum and make such order as to the matter in dispute, or otherwise, as they think just; and if the amount awarded or ordered by them to be paid is not paid by the person liable to pay the same within fourteen days after demand, such amount may be recovered by distress and sale of the goods and chattels of such person, and such justices, or either of them, or any other justice, may issue his warrant accordingly, or the amount may be recovered in any court of competent jurisdiction.

Mode of arbitration.

388. Except as expressly otherwise provided in this Act, sections twenty-five to thirty-seven, inclusive, of the Lands Clauses Consolidation Act, 1845, shall apply for the determination of any question directed by this Act to be determined by arbitration.

XXIX.—QUARTER SESSIONS.

Appeal in cases of summary conviction against orders of justices, or against rates, &c.

389. In any of the following cases; (namely,)

(1.) Where on any summary conviction or adjudication under this Act in respect of any offence punishable by pecuniary penalty, or by imprisonment, the penalty adjudged to be paid (inclusive of any costs) exceeds three pounds, or the term of imprisonment adjudged exceeds one month, or the conviction or adjudication is had before or made by one justice only;

(2.) Where any adjudication under this Act, other than such an adjudication as aforesaid, or any order or determination under this Act is made by any justice or justices, or any order or determination is made by the council;

(3.) Where any rate is made by the council, but in cases where application for relief is authorised to be made to the council, then only after such application;

any person who thinks himself aggrieved by such conviction, adjudication, order, or determination, or by any rate or anything included in or omitted from any rate, or by any refusal on the part of the council to give relief in respect of any rate, as in Part XXV. of this Act provided, may appeal to the next court of quarter sessions holden not less than twenty-one days after the day whereon such conviction, adjudication, order, determination, or rate is made, subject and according to the following provisions; (that is to say,)

(1.) Within seven days after the last-mentioned day, and twelve clear days at least before such sessions, the appellant may give notice in writing of the appeal, and of the matter and ground thereof, to the complainant or the party in whose favour the adjudication, order, or determination is made,

or whose interest is immediately affected thereby (as the case may be), and also in case of an appeal against a rate to the council:

(2.) Within three days after giving such notice the appellant may enter into a recognizance, with two sufficient sureties, before a justice, in such sum as the justice thinks fit, conditioned to try the appeal, and abide the judgment of the court thereon, and pay any costs awarded by the court, and in case he is in custody to appear personally at the sessions; or,

(3.) Where the appeal is against a conviction imposing only a pecuniary penalty, or against an adjudication for the payment of money, the appellant may deposit with the clerk of the justice before or by whom the conviction or adjudication is had or made such sum of money as the justice thinks sufficient to cover the amount of the penalty or money adjudged to be paid, with the costs of the conviction or adjudication of the appeal:

(4.) On such notice being given, and such recognizance being entered into, or such deposit being made, the appellant shall be liberated if in custody:

(5.) The court of quarter sessions, on proof of such notice and recognizance or deposit, shall in a summary way hear and determine the appeal, or else shall (if they think fit) adjourn the hearing thereof to a subsequent session:

(6.) The court by their order on the appeal may affirm or quash the conviction, adjudication, order, or determination appealed against, or may mitigate any forfeiture or penalty, or may order any money paid or levied to be returned, or may dismiss the appeal, or make such other order therein, with or without costs to either party, as seems just, and may (if necessary) issue process for enforcing their judgment:

(7.) Where any such deposit as aforesaid is made and the conviction or adjudication is affirmed, or the appeal is dismissed, the court may order the amount of the penalty or other money adjudged to be paid, together with the costs of the conviction or adjudication, and of the appeal, to be paid out of the deposit, and the residue thereof, if any, to be returned to the appellant, and in any other case shall order the deposit to be returned to the appellant:

(8.) Where on appeal a conviction is quashed the proper officer shall forthwith endorse on the conviction a memorandum that it has been so quashed, and wherever any copy or

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certificate of such conviction is made, a copy of the memorandum shall be added thereto, which shall be sufficient evidence of the conviction having been quashed in all cases where a copy or certificate would be sufficient evidence of the conviction:

(9.) In an appeal against a rate the court by their order may affirm the rate, or may amend the rate, or may give relief to any person rated by inserting therein or striking out therefrom any name or altering any sum therein without quashing the rate, or may quash the rate and order a new rate to be made; and in any such appeal the court shall have the like power of awarding costs to be paid by or to any party, and of compelling payment thereof, as they for the time being have for awarding and compelling payment of costs in an appeal against a rate for the relief of the poor:

(10.) It shall not be requisite for a railway company, being an appellant, to enter into any recognizance or to make any deposit of money unless required so to do in writing under the hand of the town clerk delivered or sent by post as herein-before provided:

The provisions of this section shall apply to the Corporation when they think themselves aggrieved by any such conviction, adjudication, order, or determination, and shall apply to the Corporation when appellants, save only that it shall not be requisite for the Corporation to enter into any recognizance or make any deposit of money.

XXX.—GENERAL.

Provisions of 11 & 12 Vict. c. 43. applicable to this Act.

390. Except as by this Act provided, all the provisions of the Act of the session of the eleventh and twelfth years of Her Majesty (chapter forty-three), "to facilitate the performance of the duties of "the justices of the peace out of sessions within England and Wales "with respect to summary convictions and orders," and of any Act for the time being in force amending or substituted for the same, relating to proceedings for the recovery of penalties by summary conviction, and to appeals against such convictions, and the levying and enforcing of penalties, and all subsequent proceedings which may be taken on nonpayment thereof, or in default of distress, including the commitment to prison of the defaulter, and enforcing payment of sums of money ordered or awarded to be paid by justices, and the costs of such proceedings, shall be applied and put in force in relation to the penalties by this Act imposed.

Punishment of abettors, &c.

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

Penalties on repetition of offences.

392. Where by this Act any pecuniary penalty or other punishment is imposed in respect of any offence described in this Act, then and in every such case, if the nature of the case permits, and if an intention to the contrary does not appear in this Act, such penalty or punishment may be inflicted for every repetition of such offence.

Proceedings when offender refuses to state his name.

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

Evidence of previous conviction.

394. The justice before whom any person is convicted of any offence may transmit the conviction to the next court of quarter sessions, there to be kept by the proper officer among the records of the court, and on the prosecution of any person for any subsequent offence, a copy of such conviction, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and such conviction shall be presumed not to have been quashed on appeal until the contrary is shown; and for purposes of this Act justices in the borough shall take judicial cognizance of entries in books kept in the borough of convictions and other matters relative to summary proceedings before justices under this Act.

Damages and charges in cases of dispute to be settled by justices.

395. Where any damages or charges are directed or authorised to be paid or recovered, in addition to any penalty for any offence in this Act mentioned, the amount of such damages or charges, in case of dispute respecting the same, may be settled and determined by the justice before whom any offender is convicted, and may be levied by distress.

Saving for indictments, &c.

396. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings, or shall relieve any person in respect of any such matter from any penal or other

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consequence to which he would have been liable if such matter had not been made punishable by this Act.

Regulation as to distress.

397. With respect to distress, the following provisions shall have effect; (namely,)

(1.) Any number of names and sums may be included in any warrant of distress obtained by the Corporation for any of the purposes of this Act, and may be stated either in the body of the warrant or in a schedule thereto, and any such distress may be for a balance remaining unpaid or for an agreed instalment due:

(2.) Any justice who issues a warrant of distress may order that the costs of the proceedings for the recovery of the sum or sums for which the distress is ordered be paid by the person or persons liable to pay such sum or sums, and such costs shall be ascertained, and where there are more persons than one shall be apportioned, by the justice, and shall be included in the warrant of distress for the recovery of such sum or sums:

(3.) Every constable shall, upon being required by a collector or other officer of the Corporation, aid in making a distress or sale pursuant to any such warrant, and in default of so doing shall be liable to a penalty not exceeding five pounds:

(4.) Any distress under this Act shall not be deemed unlawful, nor shall the party making the same be deemed a trespasser on the ground of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser, ab initio, on account of any subsequent irregularity in the prosecuting of such distress.

Contents of summons.

398. Any number of names and sums may be included in any summons obtained by the Corporation for any of the purposes of this Act, and may be stated either in the body of the summons or in a schedule thereto, and any such summons may be for a balance remaining unpaid or for an agreed instalment due.

Power to order prosecutions, &c.

399. The Corporation may direct any prosecution or proceeding against any person for any offence against this Act or any matter arising under this Act.

Application of penalties in certain cases.

400. All penalties recovered summarily under this Act by the Corporation shall go to the borough fund, but nothing in this Act shall alter the application of penalties or forfeitures to the police superannuation fund, as provided by the Act of the session of the twenty-second and twenty-third years of Her Majesty, chapter thirty-two, or of fines and penalties made payable to Her Majesty.

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Application of penalties inflicted on Corporation.

401. Where any penalty or forfeiture is inflicted on the Corporation, the amount thereof shall (except where otherwise provided or ordered by the justice or justices before whom the same is recovered) be paid to the overseers of the poor of the township of Huddersfield, to be applied in aid of the poor rate of that township.

Proceedings not to be quashed for want of form, or removed by certiorari.

402. Any order, verdict, rate, assessment, judgment, conviction, or any proceeding touching or concerning any offence against this Act, or against any byelaw thereunder, shall not be quashed or vacated for want of form only, or be removable by certiorari or otherwise into any of the superior courts.

Validity of warrants of commitment.

403. A warrant of commitment on any conviction shall not be held void by reason of any defect therein, if it is therein alleged that the person therein named has been convicted and there is a good conviction to sustain the same.

Justices, &c. not disqualified from acting.

404. Except as expressly otherwise provided, any person shall not be disqualified or disabled to act as justice of the peace, coroner, juror, or otherwise, in any matter arising under or in relation to this Act, by reason of his being a ratepayer in the borough, or liable to any payments under this Act, or a member of the council or any committee thereof.

Persons entering into contracts with Corporation not disqualified as members of Corporation.

405. Any person entering into any contract with the Corporation for a supply to him of water, or for any work to be done for or meter or apparatus to be furnished to him for the purposes of such supply, or for a water meter, or for a sale or lease of lands, or a loan of money to the Corporation, or for the supply by him of gas to the public lamps in any district, division, or part of the borough, or for the execution by him of any works, or for the supply by him of any articles not exceeding in cost to the Corporation one hundred pounds in any one year, or being a shareholder or partner or interested in any newspaper in which notices or other documents of the Corporation are published, or in any gas or water company supplying gas or water to the Corporation, shall not thereby be disabled from being, continuing, or acting as mayor, alderman, or councillor of the borough, or as an officer or servant of the Corporation, or incur any penalty by reason of such contract, or of his being such a shareholder or partner or so interested, or of his being, continuing, or acting as such mayor, alderman, councillor, officer, or servant; but the mayor or any alderman or councillor concerned, by himself or any partner, in any such contract, or being such a shareholder or partner, or so interested, shall not take part in any vote, proceeding, or discussion in the council relative to such contract, undertaking, or company.

Validity of meetings of council, &c.

406. Until the contrary is proved every meeting of the council, or of any committee of the council, shall be deemed to have been duly

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convened and held, and all members attending such meeting shall be deemed to have been duly qualified.

Continuance of and power to appoint officers and servants.

407. All the officers and servants of the Corporation in office at the commencement of this Act, and employed in the execution of any Act which this Act repeals or makes to cease to apply to the borough, shall continue to be the officers and servants of the Corporation according to the nature and tenure of their appointments and employments respectively, and the Corporation may from time to time appoint such officers and servants for the execution of this Act, and take such security for the performance of their duties, as the Corporation think proper (including, if the Corporation think fit, in lieu of or in addition to any other security the security of any guarantee society established by charter or Act of Parliament, with power to the Corporation, if they think fit, to pay any premium or other money requisite for keeping up any such security), and the Corporation may from time to time, subject to the nature and tenure of their respective appointments and employments, remove or suspend any of them, as the Corporation see occasion, and pay and make such salaries, wages, and other allowances to them and to any person assisting the Corporation in the execution of this Act, as the Corporation deem reasonable, and, mutatis mutandis, all such officers and servants shall be accountable to the Corporation, and the Corporation shall have the like remedies against them in relation to accounts, vouchers, bills, payments, books, papers, and writings as if they had been appointed by virtue and for the purposes of the Municipal Corporations Acts.

Penalty on officer or servant taking unauthorised fees.

408. If any such officer or servant demands or takes on account of anything done by virtue of his office, or for forbearing to do anything that ought to be so done, or on any other account relative to his duty, any fee or reward whatsoever other than the salary or allowances allowed by the Corporation, or is in anywise concerned or interested in any bargain or contract made by the Corporation, he shall be liable to a penalty not exceeding fifty pounds, and shall from and after conviction be incapable of being employed by the Corporation in any capacity.

Accounts of receipts, &c.

409. The provisions of the Municipal Corporations Acts relative to the keeping of accounts, and to the accounts kept of sums of money received and paid under those Acts, and to the auditing thereof, shall extend and apply to the keeping of accounts, and to the accounts kept of sums of money received and paid under this Act, and to the auditing thereof.

Power to contract for works.

410. The Corporation from time to time may contract with any person for performing or doing any of the works or things by this Act

authorised, and all such contracts shall be in writing, sealed with the common seal of the Corporation, and signed by the person contracting, and shall specify the works and things so to be done, and the prices at and the times within which they are to be done, and the Corporation may take such bond or other security from every contractor for the due performance of his contract as they think sufficient.

Power to compound with contractors.

411. The Corporation may from time to time compound with any person having entered into any contract with the Corporation under this Act for any penalty contained in such contract, or in any bond or other security for the performance thereof, or on account of any breach or non-performance of such contract, bond, or security, for such sum of money or other recompense as the Corporation think proper.

Penalty for obstructing persons employed in execution of Act.

412. If any person obstructs, assaults, hinders, or molests any member of the council, or any officer or servant of the Corporation acting under this Act, or any byelaw thereunder, in the execution of his duty, or in the execution of any of the powers, authorities, works, matters, or things to be exercised or done under this Act or any such byelaw, he shall be liable to a penalty not exceeding five pounds.

Penalty on pulling down notice boards.

413. If any person destroys, pulls down, injures, or defaces any placard or notice, or any burgess list or list of voters, or of claims or objections, issued and put up by or under the direction of the Corporation or of the town clerk, or any board provided by the Corporation on which any byelaw or part of a byelaw of the Corporation is painted or placed, he shall be liable to a penalty not exceeding five pounds.

Penalty on workmen, &c.

414. If any workman, labourer, servant, or other person employed in or about any street, building, or other work, without the privity or consent of the owner or person causing such work to be done, and without reasonable cause (proof whereof shall lie on him), wilfully and knowingly does anything in or about the same in contravention of the provisions of this Act, he shall for every such offence be liable to a penalty not exceeding fifty shillings.

Damage by mining works.

415. If any street or other property belonging to or under the management of the Corporation is injured by or in consequence of any mining works commenced after the passing of this Act, whether in operation or abandoned, the Corporation may repair or replace the street or other property injured, and all damages and expenses of or arising from such injury, and such repair or replacement, shall be paid to the Corporation by the lessee or tenant

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or other person in possession of the mine or works if the same are in operation, or by the owner thereof if the same are abandoned, and may be recovered by the Corporation in any court of competent jurisdiction; and for the purposes of this section the Corporation shall in respect of any public street be deemed the owners of the land in and upon which the street has been made.

Penalty on occupier refusing to give name of owner.

416. If on request made on behalf of the Corporation the occupier of any property refuses or wilfully omits to disclose or wilfully mis-states the name of the owner of such property, or the owner the name of the occupier thereof, any justice may summon such occupier or owner to appear at the time and place mentioned in such summons before such justice, or before some other justice, and if such occupier or owner refuses or neglects to attend at the time and place mentioned in the summons, or if he attends and does not show good cause or excuse to the justice for his refusal, omission, or mis-statement, such justice may, on proof (in case of the neglect or refusal to attend as aforesaid) of the due service of the summons, or on such attendance, impose a penalty upon such occupier or owner not exceeding five pounds.

Form and service, &c. of notices by Corporation.

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

or usual place of abode or business, or in case of an occupier to any inmate of the building in respect of which it is given or served, or if the building is unoccupied, and the place of abode of the person to be served is after diligent inquiry unknown, it shall be sufficient to affix it, or a copy thereof, upon some conspicuous part of such building.

Service of notice on Corporation.

418. Any notice to or demand on the Corporation under this Act may be served on the Corporation by being delivered to the town clerk, or by being sent through the post in a registered letter directed to the town clerk, in which latter case service shall be deemed to be effected on the Corporation on the day on which such letter would be delivered in the ordinary course of post.

Hours for notices, &c.

419. Where by this Act it is required that any notice or other instrument be left at the office of the town clerk or surveyor, the same shall be left there within the office hours prescribed by bye-law to be observed thereat, and in the absence of express provision in this Act the Corporation may from time to time by byelaw direct the delivery of notices and other instruments required by this Act to particular officers of the Corporation, and appoint the times and places of such delivery.

Plans to be property of Corporation.

420. All plans and other documents which in pursuance of this Act, or of any byelaw made thereunder, are left at the office of the Corporation, or delivered to any officer of the Corporation, shall, on being so left or delivered, become and shall continue and be the property of the Corporation.

Books and papers of Corporation on death of officers, &c.

421. In case of the death of any officer or servant of the Corporation, or of his becoming bankrupt before he has delivered up all books, papers, writings, and other things concerning his office or employment, or relating to the execution of this Act, no interest whatever in such books, papers, writings, and things, or any of them, shall pass to or vest in his representatives or assignees, as the case may be.

Proof of debt in bankruptcy.

422. If any person against whom the Corporation have any claim or demand becomes bankrupt, the town clerk in all proceedings in relation to the estate of such bankrupt may represent the Corporation, and act in their behalf in all respects as if such claim or demand had been the claim or demand of the town clerk, and not of the Corporation.

Plaintiff not to recover without notice or after tender of amends.

423. A plaintiff shall not recover in any action to be commenced against the Corporation, or any officer of the Corporation or other person aiding or assisting them or him, for anything done or intended to be done in pursuance or under the authority of this

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Act, if tender of sufficient amends has been made to him or to his attorney by or on behalf of the defendant before the commencing of such action; and in case no such tender has been made the defendant in any such action may, by leave of the court after action brought, at any time before issue joined, pay into court such sum of money as he thinks fit, whereupon such proceeding, order, and judgment shall be had, made, and given in and by such court as in actions where the defendant is allowed to pay money into court.

Forms in schedule authorised.

424. The forms given in the fourth schedule to this Act may be used for or in respect of the purposes therein indicated, with such variations and additions as circumstances may require.

Savings from effect of repeals, &c.

425. Notwithstanding any repeal or other thing in this Act contained,—

(1.) The Corporation shall continue and be seised, possessed of, and entitled to all rights, interests, and property of or to which they are at the commencement of this Act seised, possessed, or entitled, as if this Act had not been passed:

(2.) All acts, works, matters, and things before the commencement of this Act done or commenced under the powers and authorities of the Acts by this Act wholly or partially repealed or made to cease to apply to the borough, or any of them, or under any other Act or authority, and which are at the commencement of this Act good, valid, and available or in progress, and all conveyances, leases, mortgages, bonds, covenants, deeds, instruments, contracts, agreements, obligations, rights, and remedies at the commencement of this Act existing under the same, shall be and continue as good, valid, and available for all purposes, and for and against all parties, and may be continued and completed, as if this Act had not been passed:

(3.) All actions, suits, prosecutions, or other proceedings by or against the Corporation by reason of any matter or thing done before the commencement of this Act in execution of or in relation to the said Acts, or any of them, or the said resolution, may be continued, commenced, or prosecuted by or against the Corporation as if this Act had not been passed:

(4.) All mortgages and other securities granted under any Act repealed by this Act may be transferred as if this Act had not been passed, and the form of transfer given in the fourth schedule to this Act may be used for that purpose, with such variations as circumstances may require:

(5.) All rates and rents at the commencement of this Act due or accruing due to the Corporation may from and after the

commencement of this Act be collected and recovered by the Corporation as if this Act had not been passed:

(6.) All books and documents shall be receivable in evidence as if this Act had not been passed:

And any repeal by this Act of any enactment shall not affect the past operation of the enactment repealed, or any right, title, obligation, or liability acquired or accrued thereunder before the commencement of this Act.

Saving the rights of the Huddersfield Gas Company.

426. Nothing in this Act contained shall be held or construed to take away, alter, prejudice, or affect any of the rights, privileges, powers, or authorities of the Huddersfield Gas Company under or by virtue of an Act passed in the session of Parliament held in the twenty-fourth year of the reign of Her Majesty Queen Victoria, chapter fifty-six, intituled "The Huddersfield Gas Act, 1861."

Saving for general rights and remedies of Corporation.

427. Except in this Act expressly otherwise provided, nothing in this Act shall take away or abridge any right, power, authority, privilege, exemption, or benefit which the Corporation have or may enjoy under the Municipal Corporations Acts, or otherwise, independently of this Act.

Copies of Act with index to be kept and sold.

428. The Corporation shall cause copies of this Act, with an index to the contents thereof in each copy, to be printed, and to be at all times after the expiration of one month from the commencement of this Act kept in the office of the town clerk open to inspection of any person on payment of a fee not exceeding one shilling, and to be at all times as aforesaid sold at that office to all persons applying for the same at a price not exceeding two shillings and sixpence; and if at any time the Corporation fail to comply with the requisitions of this section they shall be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding one pound for every day during which such failure continues after notice thereof given to them.

Expenses of Act.

429. All the costs, charges, and expenses preliminary to, and of and incidental to the preparing, applying for, obtaining, and passing of this Act, shall be paid by the Corporation out of any money now in their hands or to be received by them under this Act.

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SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

PART I.

ENACTMENTS REPEALED.

The Huddersfield Improvement Act, 1848.
Sections three and four of the Local Government Supplemental Act, 1869.

PART II.

ENACTMENTS TO CEASE TO APPLY TO BOROUGH.

The Public Health Act, 1848.
The Public Health Supplemental Act, 1849.
The First Public Health Supplemental Act, 1852.
The Local Government Act, 1858 (except section 50).
23 & 24 Vict. c. 64. An Act to make further provision for the expenses of local boards of health and improvement commissioners acting as burial boards.
Local Government Act (1858) Amendment Act, 1861.
The Local Government Act Amendment Act, 1863.

THE SECOND SCHEDULE.

Districts of Borough.

Name.	Description.	Wards.
1. Improvement Act area.	The area to which the Improvement Act of 1848 extended, (namely,) so much of hamlets of Huddersfield, Bradley, Deighton-with-Sheepridge, Fartown, and Marsh-with-Paddock, in the township of Huddersfield, as are within 1,200 yards in every direction from the spot where the old market cross formerly stood in the centre of the market place in Huddersfield.	North, east, south, west, and central wards.
2. Marsh district -	Former Marsh Local Board district, (namely,) so much of hamlet of Marsh, otherwise Marsh-with Paddock, in township of Huddersfield as is not within Improvement Act area.	Marsh ward.
3. Fartown district -	So much of hamlet of Fartown in same township as is not within Improvement Act area.	Fartown ward.
4. Dalton district -	So much of township of Dalton as is not in Mold Green district.	Dalton, Bradley, and Deighton ward.
5. Bradley district. -	Former Bradley Local Board district, (namely,) hamlet of Bradley in township of Huddersfield.	
6. Deighton district -	Former Deighton Local Board district, (namely,) hamlet of Deighton, otherwise Deighton-with-Sheepridge, in same township.	
7. Mold Green district	Former Mold Green Local Board district, (namely,) part of township of Dalton, and part of township of Almondbury.	Mold Green ward.
8. Lockwood district	Former Lockwood Local Board district, (namely,) township of Lockwood, and detached parts of township of South Crosland.	Lockwood ward.
9. Almondbury district	Former Almondbury Local Board district, (namely,) so much of the township of Almondbury as is not in Mold Green district, or in Newsome district.	Almondbury and Newsome ward.
10. Newsome district -	Former Newsome Local Board district, (namely,) part of township of Almondbury.	
11. Lindley-cum-Quarmby district.	Former Lindley-cum-Quarmby Local Board district, (namely,) township of Lindley-cum-Quarmby.	Lindley-cum-Quarmby ward.

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THE THIRD SCHEDULE.

Regulations as to Lodging Houses.

Cubical contents of rooms.

I. The number of persons who may occupy a room for sleeping in shall be determined by the cubical contents of the room in the manner following:—If the room be used only as a sleeping room, there shall not be more than one person (the term "person" to include man, woman, or child), to every three hundred cubical feet of air contained in such room. If the room be used both as a sleeping room and a day room, then there shall not be more than one person to every six hundred cubical feet of air contained in such room; and no room the ceiling of which is less than two feet above the level of the footpath or roadway immediately adjoining, and no room used as a kitchen or scullery, and no room not lighted and ventilated directly from the exterior, and no room in the roof of the house not furnished with an open fireplace or flue for ventilating, shall be permitted to be occupied as a sleeping room unless it be specially certified by a legally qualified medical practitioner, or one of the inspectors of lodging houses of the borough, as in his opinion fit to be so occupied without danger to the health of the occupants.

Certain rooms not to be used as sleeping rooms.

Houses to be registered.

II. Every house or part of a house which is let in lodgings, or occupied by members of more than one family, shall, if required by the Corporation by a notice in writing served by their inspector, be distinguished by a number to be placed above the principal entrance thereto, to the satisfaction of the inspector, and shall be registered by such inspector in a book to be kept for that purpose in the form appended to these regulations, specifying the name of the occupier, the name of the owner, and the number and cubical contents of the air space of each room within such house or part of a house, and it shall be incumbent upon the said occupier to keep a certificate of such registration as aforesaid (under the hand of the inspector, who is required to furnish such certificate), which certificate shall specify the number and date of such registration, with the contents of the air space of such rooms, and shall be produced, on demand, to such inspector or his deputy, or any person authorised by the Corporation.

Inspection of houses.

III. The lodging-house inspectors, or any one or more of them, or such other persons as may be specially appointed for the purpose by the Corporation, may, between the hours of six o'clock in the morning and ten o'clock in the evening, enter and inspect any house or part of a house which is let in lodgings, or occupied by members of more than one family, for the purpose of ascertaining the state and condition thereof, and whether these regulations are observed and kept, or otherwise, and may further enter into such house or part of a house at any other time with the order of any magistrate having jurisdiction within the borough, which order the magistrate is authorised to give upon information being laid before him by the inspector that he, the inspector, suspects that some one or more of the regulations herein contained is or are contravened in or about such house or part thereof.

Obstruction to inspectors.

IV. No person shall obstruct or hinder such inspectors, or any of them, in the execution of their duties.

Ventilation.

V. Every room to be occupied as a sleeping room shall have means provided to the reasonable satisfaction of the inspector for adequate ventilation, such

means to be kept always in an efficient state, and to be used as frequently as possible, and at least once a day.

Cleanliness.

VI. The walls, floors, furniture, bedding, and utensils shall be at all times kept in a thoroughly clean and wholesome condition.

Lime-washing.

VII. The passages, rooms, and other premises shall, when required by the inspector, be lime-washed twice at least in the year, in the months of March and September, and at any other time appointed by such inspector.

Occupation of sleeping rooms.

VIII. Persons of opposite sexes shall not occupy the same sleeping apartment, except married persons, or parents and their children under fourteen, or other children under ten years of age.

Regulations as to cases of fever.

IX. In case of fever or any other infectious or contagious disease occurring in any such house or room as aforesaid, the keeper of such house or room shall forthwith give notice thereof to the inspector, so that he may inspect the same, and, if he shall see fit, he shall cause the provisions of sections twenty-two and twenty-three of the Sanitary Act, 1866, to be put in force with reference to such house or rooms, or the articles contained in it, or, if necessary, shall also cause the provision of clause twenty-six of the said Act to be put in force with reference to the removal of persons sick of infectious disorders.

Deaths.

X. In case of any death taking place in any such house or room as aforesaid, the inspector may, if he see fit, take measures for the putting in force of section twenty-seven of the Sanitary Act, 1866.

Privy accommodation.

XI. A privy, or such other accommodation as the inspector shall determine to be necessary, shall be provided for the use of any such house or room. The situation, dimensions, materials, and construction of every such privy or other accommodation shall be subject to the approval of the borough surveyor; and for every twelve persons a separate privy or other accommodation shall be provided. The privy or other accommodation shall be kept in clean and proper order.

Water supply.

XII. There shall be a proper supply of pure water conveniently accessible (to the satisfaction of the council of the borough) to each house or room as aforesaid, and proper accommodation for washing.

Drainage.

XIII. The drains, sewers, and grids shall be properly trapped so as to prevent the effluvia coming up from the sewers or cesspools, and shall be kept clean and in good order in all respects.

Paving.

XIV. The yards and areas of every house as aforesaid shall be properly paved so as to effectually take off all waste water.

Sleeping rooms to be furnished with sufficient bedsteads, &c.

XV. Each room occupied as a sleeping apartment shall be furnished with bedsteads and sufficient bedding for the number of lodgers authorised to be in such room.

Repairs of floors, wall, &c.

XVI. The floors, walls, and ceilings of every house or part of a house which is let in lodgings, or occupied by members of more than one family, shall be kept in proper repair and thoroughly dry and free from damp, and the roof thereof in proper repair and condition, by the owner.

Persons to attend council or committee meetings.

XVII. The person letting such house or part of a house shall attend any meeting of the council or the sanitary committee thereof, to which he shall be summoned by letter or notice left at least three clear days beforehand at the house referred to, to answer any complaint made against him in respect of neglect of these regulations, and shall forthwith carry out such order as he may receive from the council or sanitary committee made with a view to bring his house into conformity therewith.

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Power to prohibit house to be used as a lodging house.

XVIII. If at any time after it has been registered any such house or part of a house has in the opinion of the sanitary committee become unfit to be occupied in lodgings, the committee may prohibit such house or part of a house from being used as a lodging house, and the person in whose name the place has been registered shall, within seven days after receiving notice of such prohibition, cease to use such house or part of a house as a lodging house, and such house or part of a house shall not be again let in lodgings until the same has been put into proper condition and made fit for the reception of lodgers, to the satisfaction of the sanitary committee, and until the same is registered.

Regulations not to apply to houses rated at 15*l.* without notice, except as beerhouses, &c.

XIX. None of the foregoing regulations shall apply to any house, or the owner or the occupier thereof (unless such house be used as a beerhouse, wine shop, refreshment house, or coffee shop, in which cases they shall apply), the rateable value whereof according to the last rate for the time being for the relief of the poor amounts to fifteen pounds or upwards, unless and until the Corporation give a notice in writing to such owner or occupier declaring that such house shall, from a date to be named in such notice, be and continue subject to such regulations, and from and after such date such house, and the owner or occupier thereof, shall be accordingly subject to such regulations.

Penalty for breach of regulations.

XX. Any person, whether as owner or occupier of any house or part of a house which is let in lodgings, or occupied by members of more than one family, who shall offend against any of the foregoing regulations shall be liable to a penalty not exceeding forty shillings for any one offence, with an additional penalty not exceeding ten shillings for every day during which default in obeying such regulations may continue.

Interpretation.

XXI. Any room used during both day and night as a sleeping room shall be understood as a "day room." The person who receives the rents, either on his own account or as agent to the owner, or as clerk or servant to such agent, shall be deemed to be the owner, and so long as his name stands on the register as owner or receiver of rents such register shall be at all times received as proof of such ownership. The term "inspectors" or "inspector" includes all or any persons or person appointed by the council of the borough under or for the purposes of the Sanitary Act, 1866, or for carrying into effect these regulations.

FORM ABOVE REFERRED TO.

Entry_____ No._____

No._____ house or room.

Registered occupier_____

Owner_____

Registered to accommodate_____ persons.

In Room No. 1.	In Room No. 2.	In Room No. 3.	In Room No. 4.	In Room No. 5.	In Room No. 6.	Total.

Dated this_____ day of_____ 18__.

(Signed) _____ Inspector.

THE FOURTH SCHEDULE.

No. 1.

Form of Order for Sewering, Paving, &c.

The Huddersfield Improvement Act, 1871.

The day of 18 .

It is resolved and ordered by the Council of the borough of Huddersfield, that on or before the day of 18 the following streets [*A.* Street] [*B.* Street] *be freed from obstruction, sewered, drained, levelled, flagged, paved [*or* macadamised], and otherwise completed,* at such levels, with such inclinations, and with such sewers and drains of such dimensions as are shown on the plans and sections deposited in the office of the borough surveyor, and with the materials and in the manner herein-after specified; namely,

[*Here specify nature of materials, &c.*]

[ ] Town Clerk.

* *If the order is for sewering, draining, and levelling only, omit the words between the asterisks* * *, and insert instead thereof the following; namely,* "be sewered, drained, and levelled."

No. 2.

Form of Notice for Execution of Works, &c.

The Huddersfield Improvement Act, 1871.

The Corporation of the borough of Huddersfield hereby give you notice that you are ordered and required on or before the day of 18 * to execute and do the works and things hereunder specified.

Dated this day of 18 .

[ ] Borough Surveyor.

To *X.Y.* of

[*Here specify the works, &c. required.*]

* *Insert here, where the nature of the notice so requires,* "not later than the hour of o'clock in the noon."

No. 3.

Form of Notice of Intention of Corporation to execute Works, &c.

The Huddersfield Improvement Act, 1871.

The Corporation of the borough of Huddersfield hereby give you notice that they intend to execute and do the works and things hereunder specified.

Dated this day of 18 .

[ ] Borough Surveyor.

To *X.Y.* of

[*Here specify the works, &c. intended.*]

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No. 4.

Form of Warrant of Authority from Justice.

The Huddersfield Improvement Act, 1871.

I, *A.B.*, Esquire, one of Her Majesty's justices of the peace for the borough of Huddersfield, hereby authorise you [*here specify the act authorised*], for doing which this shall be your warrant.

Dated this day of 18

[*C.D.*]

To *L.M.* [constable, &c.]

No. 5.

Form of Authority from Corporation.

The Huddersfield Improvement Act, 1871.

The Corporation of the borough of Huddersfield hereby authorise you [*here specify the act authorised*].

Dated this day of 18 .

Town Clerk.

To *L.M.* [constable, &c.]

No. 6.

Form of Order as to Under-ground Dwellings.

The Huddersfield Improvement Act, 1871.

The Corporation of the borough of Huddersfield hereby give you notice that they order and require that the occupation, as a separate dwelling, of the cellar [*or* vault, *or* under-ground room] hereunder specified be from the expiration of one calendar month from the service hereof on you discontinued.

Dated this day of 18 .

Town Clerk.

To *X.Y.* of

[*Here specify cellar, &c.*]

No. 7.

Form of Declaration of Highway.

The Huddersfield Improvement Act, 1871.

The day of 18 .

It is resolved and declared by the Council of the borough of Huddersfield, that the following street, namely, [*A.* Street,] is a public highway.

Town Clerk.

A.D.

No. 8.

FORM OF RATE BOOK.

An assessment to the borough rate under the Huddersfield Improvement Act, 1871, for the borough of Huddersfield in the west riding of the county of York, made the day of 18 .

Number of the rate.	Name of the person rated.		Description of property.	Situation of property.	Rateable value.	Amount of rate at in the pound.
	Occupier.	Owner.				

Signed by me this day of 18 .

Town Clerk.

No. 9.

FORM OF NOTICE OF RATE.

The Huddersfield Improvement Act, 1871.

The Corporation of the borough of Huddersfield hereby give notice that a borough rate has this day been made, and that the book in which the same is written is deposited in the office at the town hall.

Dated this day of 18 .

Town Clerk.

No. 10.

FORM OF WARRANT OF DISTRESS FOR RECOVERY OF WATER RENTS, IMPROVEMENT RATES, &C.

Borough of Huddersfield (to wit):

To the mayor, aldermen, and burgesses of the borough of Huddersfield in the west riding of the county of York [and to their collectors of improvement rates, *or as the case may be*], and to the constables of the said borough.

These are in Her Majesty's name to command you to levy the sum of by distress of the goods and chattels of *A.B.* of , being the amount [*or* being the balance remaining unpaid of the amount, *or* being an agreed instalment due of the amount, *as the case may be*] of improvement rates [*or as the case may be*] accrued due from him to the said mayor, aldermen, and burgesses up to the day of 18 ; and if the same is not paid within the space of days next after such distress by you taken, together with the reasonable charges of taking and keeping the same, that then you do sell the goods and chattels by you distrained, and out of the money arising from such sale that you do retain the said sum, and also your reasonable charges of

1871. taking, keeping, and selling the said distress, rendering to the said *A.B.* the overplus on demand; and if sufficient distress cannot be found of the goods and chattels of the said *A.B.* whereon to levy the said sum, that then you do certify the same to me, together with this warrant, to the end that such further proceeding may be had thereon as to the law doth appertain.

Given under my hand and seal the day of one thousand eight hundred and .

No. 11.

FORM OF MORTGAGE.

The Huddersfield Improvement Act, 1871.

Mortgage No. £

By virtue of the above-mentioned Act the mayor, aldermen, and burgesses of the borough of Huddersfield, in consideration of pounds paid to them by *A.B.* of , grant to him, his executors, administrators, and assigns, the corporate estates and fund of the borough, to hold until the said sum of be repaid to him or them, with interest at the yearly rate of in the hundred, by equal half-yearly payments on the day of and the day of in every year from the day of the date hereof, the principal to be repaid on the day of , at the option of either party, and all payments to be made at the office in Huddersfield of the treasurer of that borough.

Given under the seal of the mayor, aldermen, and burgesses this day of one thousand eight hundred and .

No. 12.

FORM OF TRANSFER OF MORTGAGE.

The Huddersfield Improvement Act, 1871.

I, *A.B.* of , in consideration of pounds paid to me by *C.D.* of transfer to him, his executors, administrators, and assigns, the mortgage No. of the corporate estates and fund of the borough of Huddersfield, or pounds and interest, at the yearly rate of in the hundred, granted on the day of by the mayor, aldermen, and burgesses of that borough [*or if the transfer be by endorsement,* the within-written security], and all my right and interest in and under the same.

As witness my hand and seal this day of one thousand eight hundred and .

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1871.