ANNO VICESIMO PRIMO & VICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. XCVIII.

An Act to amend the Public Health Act, 1848, and to make further Provision for the Local Government of Towns and populous Districts.

[2d *August* 1858.]

WHEREAS it is expedient to amend the Public Health Act, 1848, and to make further Provisions for the Local Government of Towns and populous Districts in *England:* Be it therefore 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,

Short Title.

I. This Act may be cited for all Purposes as "The Local Government Act, 1858."

Interpretation of Terms.

II. The Word "Borough," or "Corporate Borough," when used in this Act, or in any Act conferring Powers of a public Nature on the Corporate Bodies of Boroughs by their Council, shall include all Cities, Ports, Cinque Ports, or Corporate Towns mentioned in the Schedules to the Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, and all Boroughs

5 & 6 W. 4. c. 76.

Boroughs incorporated by Charter granted or to be granted in pursuance of that or any subsequent Act.

Limits of Act.

III. This Act shall not extend to *Scotland* or *Ireland*, and it shall not be adopted by any Place within the Limits of the Metropolis as defined for the Purposes of the Act of the Session holden in the Eighteenth and Nineteenth Years of Her present Majesty, intituled *An Act for the better Local Management of the Metropolis*.

18 & 19 Vict. c. 120.

Provisions of this Act and 11 & 12 Vict. c. 63. to be construed together.

IV. This Act shall be construed together with and be deemed to form Part of the Public Health Act, 1848: Words used in this Act shall be interpreted in the Sense assigned to them in the said Public Health Act: Byelaws framed under this Act shall be subject to Confirmation, enforced, and dealt with in all other respects as Byelaws under the said Public Health Act; and the Provisions of each of the said Acts shall, so far as may be consistent with the Provisions of this Act, respectively be applicable to all Matters and Things arising under the other Act.

Period at which this Act to take effect.

Not to affect Qualification or Powers of Local Boards.

V. This Act shall take effect from the First Day of *September* One thousand eight hundred and fifty-eight in Places where the Public Health Act, 1848, is already in force, wholly or partially: Provided always, that nothing in this Act shall affect the Qualification and Number of the Members of Local Boards of Health in such Places, or any Power, Right, Privilege, or Liability of any Board of Improvement Commissioners exercising Powers of the Public Health Act, 1848, or of any Town Council or Local Board of Health, under or by virtue of any General or Local Act of Parliament other thar the said Public Health Act.

Powers, &c. of Local Boards under this Act to be the same under 11 & 12 Vict. c. 63., &c.

VI. Local Boards under this Act shall, subject to this Act, have all the Powers, Rights, Duties, and Liabilities of Local Boards of Health constituted under the Public Health Act, 1848, and the Acts incorporated therewith.

Construction of Terms, for Purposes of this Act, &c., in Acts herein-after incorporated.

VII. In the Construction, for the Purposes of this Act, of the Acts herein-after incorporated, the Expression "the Special Act" shall mean the Public Health Act, 1848, as brought into operation within the District, and this Act; the "Limits of the Special Act" shall mean the "Limits of the District;" "the passing of the Special Act" shall mean the Date of the coming in force of this Act, or, in the Case of Districts under the Public Health Act, 1848, the First Day of *September* One thousand eight hundred and fifty-eight; and the Local Board shall, according to the Tenor of the incorporated Act, be deemed to be the Promoters of the Undertaking, "Town Commis-

Commissioners," Commissioners, or "Undertakers;" and all Penalties incurred under the incorporated Acts shall be recovered in the same Way as Penalties incurred under the Public Health Act, 1848, and be applied in aid of the Purposes of that Act and this Act.

Provision in relation to Exercise of Powers under Public Health Act requiring Sanction of General Board of Health.

VIII. Whenever the Sanction, Consent, Direction, or Approval of the General Board of Health is required by Law to the Exercise of the Powers of Local Boards of Health or Boards of Improvement Commissioners, such Powers may, from the First Day of *September* One thousand eight hundred and fifty-eight, be exercised without such Sanction, Consent, Direction, or Approval, or any Sanction, Consent, Direction, or Approval in lieu thereof, except in so far as is provided by this Act: Provided always, that all Sanctions for the Mortgage of Rates given by the General Board of Health before the passing of this Act shall continue in full Force and Effect until all Monies the borrowing of which is thereby sanctioned have been borrowed.

Proceedings, Contracts, &c. begun or made under any Section of 11 & 12 Vict. c. 63. repealed by this Act may be proceeded with.

IX. All Proceedings, Contracts, Matters, and Things respectively begun or made under any Section of "The Public Health Act, 1848," repealed by this Act, may respectively be proceeded with and enforced as if no such Repeal had taken place, and all Powers exercised or Byelaws made under any such Section shall continue in force until the new Powers and Byelaws authorized by this Act are brought into operation, and no such Repeal shall affect any Decree or Order of the High Court of Chancery, or of any other Court of Justice, that has been obtained previously to the passing of this Act.

Powers of Sect. 114. of 11 & 12 Vict. c. 63., for Appointment of Receiver, may be exercised in event of Failure to elect a Local Board.

X. The Powers of the One hundred and fourteenth Section of "The Public Health Act, 1848," for the Appointment of a Receiver, may be exercised in the event of a Failure to elect a Local Board, or of the Lapse of a Local Board from Death, Resignation, Disqualification, or otherwise, of the Persons elected to serve on such Local Board; and in case of such Failure or Lapse any Receiver appointed under that Section may make as well as collect and receive Rates as directed in that Section, or such Rates as are required to satisfy all Liabilities of the Local Board, and may receive and recover all Arrears due to the said Local Board, and apply the same to meet such Liabilities; and any such Receiver shall have the same Powers with respect to other Creditors of the Local Board as he has by the said Section with regard to Mortgagees.

Course of Proceeding in event of Failure to elect a Local Board.

XI. In the Case of any Failure to elect a Local Board, or of any Lapse of a Local Board as aforesaid, it shall be lawful for the Owners and Ratepayers of the District, by Resolution, as herein-after provided, for the Adoption of this Act, to proceed to Election of a new Local Board

Board in the Manner provided by this Act, with the same Qualification of Members from Property or Rating as the lapsed Local Board, and the Result of such Election shall be signified to One of Her Majesty's Principal Secretaries of State by the Person conducting it, in the same Manner as is herein-after directed with regard to the Adoption of this Act; and all the Rights and Liabilities of the former Local Board shall attach to the new Local Board as if there had been no Lapse before the Election thereof, and from the Date of such Election all Powers of any Receiver to make Rates under the preceding Section shall determine.

As to Adoption of Act and Constitution of Local Boards.

Act to be adopted by Resolution of Council, Improvement Commissioners, or Owners and Ratepayers.

XII. This Act may be adopted,

(1.) In Corporate Boroughs to which the Public Health Act, 1848, has not been applied, by a Resolution of the Council assembled at a Meeting held for the Purpose: Provided always, that this Act shall not be adopted in Corporate Boroughs until after the Election of Councillors on the First Day of *November* One thousand eight hundred and fifty-eight:

(2.) In other Places under the Jurisdiction of a Board of Improvement Commissioners, where all or Part of the Commissioners are elected by Ratepayers, or by Owners and Ratepayers, by a Resolution of such Improvement Commissioners assembled at a Meeting held for the Purpose:

(3.) In all other Places having a known or defined Boundary, by a Resolution of the Owners and Ratepayers:

But no such Resolution passed by any Council or Board of Improvement Commissioners shall be valid unless a Month's previous Notice of the Meeting, and of the Purpose thereof, has been given in manner in which Notices of Meetings of such Council or Board of Commissioners are usually given, nor unless Two Thirds of the Members present at the Meeting concur in the Resolution for such Adoption; and it shall be lawful for the Chairman of any such Meeting, with the Consent of a Majority of the Members present, to adjourn the same from Day to Day.

As to summoning Meetings for Purpose of preceding Section.

XIII. (1.) Meetings for the Purpose of the preceding Section shall be summoned on the Requisition in Writing of any Twenty Ratepayers or Owners;

In Corporate Boroughs, by the Mayor;

In other Places under the Jurisdiction of such Improvement Commissioners as aforesaid, by the Chairman of the said Commissioners;

In

In Places having known and defined Boundaries, not being Corporate Boroughs, or Towns under the Jurisdiction of such Improvement Commissioners as are herein-before mentioned, by the Churchwardens or One of them, or if there are no Churchwardens the Overseers or One of them, or if there is none of the Officers respectively above enumerated, or if such Officer in any Case neglects, is unable, or refuses to perform the Duties hereby imposed on him, by any Person appointed by One of Her Majesty's Principal Secretaries of State:

Notice of Meeting.

(2.) In such Places as last aforesaid the Summoning Officer shall upon such Requisition fix a Time and Place for holding such Meeting, and shall forthwith give Notice thereof

By Advertisement in some One or more of the Newspapers circulated in the Place;

By causing such Notice to be affixed to the principal Doors of every Church and Chapel in the Place to which Notices are usually affixed:

Meeting to choose Chairman.

(3.) The Meeting, on its assembling together, shall choose One of its Number as Chairman, who may, with the Consent of a Majority of the Persons present, adjourn the same from Day to Day;

Rules as to passing of Resolutions of Owners and Ratepayers.

(4.) The Chairman shall propose to the Meeting the Resolution for the Adoption of the Act, and the Meeting shall decide for or against such Adoption: Provided that if any Owner or Ratepayer shall demand that such Question be decided by a Poll of the Owners and Ratepayers, such Poll shall be taken by Voting Papers in the Form A. given in the Schedule to this Act, in the same Way, and with the same Conditions as to Notice of voting, Delivery, filling up, Collection, Examination, Declaration of the Result, Custody of Voting Papers, Penalty for Neglect or Refusal to comply with the Provisions of the Act, Scale of Votes, and in all other respects whatsoever as is provided in the Public Health Act, 1848, in respect of the Election of Local Boards of Health; and if no Poll is demanded, or if the Demand for a Poll is withdrawn by the Parties making the same, a Declaration by the Chairman shall, in the Absence of Proof to the contrary, be sufficient Evidence of the Decision of such Meeting:

Penalty for forging, &c. of Voting Papers.

(5.) If any Person fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins any Voting Paper, or personates any Person entitled to vote in pursuance of the Public Health Act, 1848, or this Act, or falsely assumes to act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction

rection for any Period not exceeding Three Months, with or without Hard Labour.

Provision as to less Place included within the Limits of a greater.

XIV. In Cases where any Place hereby authorized to adopt this Act includes within its Limits any less Place which, if it were not so included, would of itself be authorized to adopt this Act, such less Place shall not be entitled to adopt this Act unless the greater Place within the Limits of which it is included has refused to adopt the same, or unless it has been determined by One of Her Majesty's Principal Secretaries of State, in manner herein-after mentioned, that such less Place ought, as respects the Adoption of this Act, to be excluded from the Limits of such greater Place.

Power for partial Adoption of Act.

XV. Any Corporation or Body of Commissioners exercising Powers for sanitary Regulations under the Provisions of any Local Act may adopt any Part or Parts of this Act by Resolution of the Council or Commissioners, and such Resolution shall in every Case be passed and forwarded to One of Her Majesty's Principal Secretaries of State, as provided in this Act for the Adoption thereof, and thereupon the Part or Parts of this Act named in such Resolution shall be in force within the District comprised in such Local Act as fully and effectually as if such Part or Parts of this Act had been enacted in such Local Act: Provided always, that when the Parts of this Act thus adopted confer any Power of borrowing Money, such Power shall be exercised subject to the Provisions of this Act with respect to borrowing.

Adoption of Act by Place not having a known or defined Boundary.

Provision as to settling Boundaries on Petition.

XVI. (1.) Any Place not having a known or defined Boundary may petition One of Her Majesty's Principal Secretaries of State to settle its Boundary for the Purposes of this Act:

Rules as to Petitions for Settlement of Boundaries.

(2.) The Petition shall state the proposed Boundaries of the Place, shall be signed by One Tenth of the Ratepayers resident within such Boundaries, and shall be supported by such Evidence as the said Secretary of State may require:

(3.) Upon the Receipt of such Petition the Secretary of State may direct Inquiry to be made as to the Genuineness of the Petition, and as to the Propriety of the proposed Boundaries; and

(4.) Fourteen Days Notice of the Time, Place, and Subject of such Inquiry shall be given in the Place to which it refers:

(5.) The said Secretary of State may, upon Consideration of the Matter, either dismiss the Petition altogether, or make Order as to the Boundaries of the Place: He may also make Order as to the Costs of the Proceedings under this Section and the Parties by whom such Costs are to be borne:

(6.) Any

(6.) Any Place the Boundaries of which have been settled in pursuance of the foregoing Provisions shall thenceforth, for the Purposes of this Act, be deemed to be a Place with a known and defined Boundary, and may adopt this Act accordingly; and for the Purpose of enabling it so to do a Summoning Officer shall be appointed by the Order settling the Boundaries, whose Duty it shall be forthwith to take all such Steps as may be necessary for convening a Meeting of the Ratepayers to decide as to the Adoption of this Act; and if such Officer dies, becomes incapable, neglects or refuses to perform his Duties, the said Secretary of State may, on the Application of any Four Ratepayers, appoint another Officer in his Room.

Any Place may adopt this Act when Boundary settled.

Appeal against Adoption of Act.

XVII. (1.) In Cases where a Resolution adopting this Act has been passed in any Place, if any Number, being not less than One Twentieth of the Owners and Ratepayers of such Place, such Twentieth to be One Twentieth in Number of the Owners and Ratepayers of the Place, taken together, or the Owners and Ratepayers in respect of One Twentieth of the rateable Property in the Place, are desirous that the whole or any Part of such Place should be excluded from the Operation of this Act, they may present a Petition to One of Her Majesty's Principal Secretaries of State, appealing against such Resolution, and praying that such Exclusion may be made:

Power to appeal, by Petition, against Resolution to adopt this Act.

(2.) Such Petition shall be presented within Twenty-one Days from the Date of the passing of the Resolution appealed against, and shall where the Exclusion of Part of a Place only is prayed for state,

Such Petition to be presented to Secretary of State.

(1.) The Part of the Place proposed to be excluded, accompanied with an explanatory Plan; and

(2.) The Reasons for such Exclusion:

It shall be subscribed by the Owners and Ratepayers presenting the same:

(3.) Upon the Receipt of any such Petition as aforesaid, the said Secretary of State may direct Inquiry in the proposed District,

As to the Genuineness of the Petition; and

As to the Matters alleged in such Petition:

Power to Secretary of State to direct Inquiry to be made.

(4.) Fourteen Days Notice of the Time, Place, and Subject of such Inquiry shall be given:

Notice of Inquiry.

(5.) The said Secretary of State shall make Order with respect to the Matter in question on such Appeal, and such Order shall be binding on the Place in respect of which it is made, and there shall be stated in such Order the Time at which this Act is to come into force.

Order to be made by Secretary of State.

XVIII. It shall be lawful for any Owner or Ratepayer who disputes the Validity of the Vote for the Adoption of this Act to appeal

Appeal to Secretary of State in case of

alleged Invalidity of Vote for Adoption of this Act.

appeal within Fourteen Days from the Declaration of the Vote to One of Her Majesty's Principal Secretaries of State, setting forth the Grounds on which he disputes the Validity of such Vote, and it shall be lawful for any of Her Majesty's Principal Secretaries of State, on such Appeal, to direct Inquiry by any Officer employed by him in the Execution of this Act into the Circumstances of the Case, and to issue such Order thereon as he may deem requisite to determine the Questions arising on such Appeal, and as to the Validity or Invalidity of such Vote.

General Provisions in relation to Adoption.

Notice as to Adoption of Act to be given to Secretary of State.

XIX. Whenever a Resolution adopting this Act has been passed in any Place, Notice thereof shall be given to One of Her Majesty's Principal Secretaries of State by the following Persons; that is to say,

In Corporate Boroughs, by the Mayor:

In other Places under the Jurisdiction of such Improvement Commissioners as aforesaid, by the Chairman of the Board of Commissioners:

In other Places, by the Summoning Officer:

The Notice so sent shall be in Writing under the Hand of the Officer hereby required to give the same; and it shall be the Duty of such last-mentioned Officer to publish a Copy of such Notice in manner following; that is to say,

By Advertisement for Three successive Weeks in some One or more of the Newspapers circulated in the Place:

By causing a Copy of such Notice to be affixed to the principal Doors of every Church and Chapel in such Place to which Notices are usually affixed:

And when such Notice has been so given, and the Time for such Appeal has expired, or such Appeal has been dismissed, a Notice shall be published in the *London Gazette*, by One of Her Majesty's Principal Secretaries of State, that this Act has been adopted within such Place.

Provision as to the Time when this Act shall take effect.

XX. Whenever any Resolution adopting this Act has been passed in any Place this Act shall, at the Expiration of Two Months from the Date of the passing of such Resolution, or in the event of an Appeal, or of a Division of the District into Wards as herein-after provided, then at such Time as may be mentioned in the Order made on such Appeal, or in the Order setting out Wards, have the Force of Law within such Place; and the Expiration of such Period of Two Months, or such Date as may be mentioned in the said Order as the Time for this Act to come into force, shall be called the Date of the Constitution of the District; provided that the Provisions of this Act relating to Purposes already included in

in any Local Act in force within the District with relation to any of the Purposes of the Public Health Act, 1848, or this Act, and not conferring Powers or Privileges upon Corporations, Companies, Undertakers, or Individuals, for their own pecuniary Benefit, notwithstanding the Adoption of the Act, as herein-before provided, shall not come into operation until an Order has been made and confirmed, as herein-after prescribed, for the future Execution, Repeal, or Alteration of the said Local Act.

As to Objections made to Adoption of this Act.

XXI. No Objection shall be made at any Trial or in any legal Proceeding to the Validity of the Adoption of this Act, or to any Order made in pursuance of this Act, or to any Proceedings upon which such Order was founded, unless the Objector has given Fourteen Days previous Notice to the other Parties interested in such Trial or Proceeding of his Intention to make the same, specifying fully the Nature of the Objection to be made; and no Objection whatever in respect of the Matters mentioned in this Section shall be admissible at any Trial or in any legal Proceeding after the Expiration of Six Calendar Months from the Date of the Constitution of the District.

Proof of Adoption.

XXII. Publication of a Notice by a Secretary of State once in the *London Gazette*, and by the Mayor, Chairman of the Board of Improvement Commissioners, or Summoning Officer, respectively, for Three successive Weeks in any Newspaper published and circulated in the Town or District that this Act has been adopted in any Place, shall be conclusive Evidence of such Adoption.

Provision as to Payment of Costs, &c. incurred in relation to Adoption.

XXIII. In Cases where this Act has been adopted by any Place, all Costs, Charges, and Expenses incurred by any of Her Majesty's Principal Secretaries of State, in relation to any such Adoption, or to any Proceedings connected therewith, or which such Secretary is required to take under this Act, and not hereby otherwise provided for, shall, to such Amount as the Treasury, by Order, think proper to direct, become a Charge upon the General District Rates levied in such District under the Authority of this Act, and be repaid to the Treasury by annual Instalments not exceeding Five, together with Interest after the yearly Rate of Five Pounds in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

Constitution of Local Boards.

Local Boards how constituted.

XXIV. The Duty of carrying into execution this Act shall be vested in a Local Board; and such Local Board shall be,

(1.) In Corporate Boroughs, the Mayor, Aldermen, and Burgesses acting by the Council:

(2.) In other Places under the Jurisdiction of such a Board of Improvement Commissioners as herein-before mentioned, the Board of Commissioners:

(3.) In other Places, such Number of elective Members as may be determined by a Resolution of the Owners and Ratepayers, passed in manner in which Resolutions for the Adoption of this Act are herein-before directed to be passed, at any Meeting held for the Purpose of adopting this Act, or at any Meeting to be summoned by the Summoning Officer for the Purpose of this Section; but no Person shall be qualified to be a Member of such Local Board unless he is at the Time of his Election, and so long as he shall continue in Office by virtue of such Election, resident within the District for which or for Part of which he is elected, or within Seven Miles thereof, and is seised or possessed of Real or Personal Estate, or both, to the Value of not less than Five hundred Pounds in Districts containing less than Twenty thousand Inhabitants, or to the Value of not less than One thousand Pounds in Districts containing Twenty thousand or more Inhabitants, or rated to the Relief of the Poor of such District, or of some Parish within the same, upon an annual Value of not less than Fifteen Pounds in Districts containing less than Twenty thousand Inhabitants, or on an annual Value of not less than Thirty Pounds in Districts containing Twenty thousand or more Inhabitants; provided that if Two or more Persons be jointly seised or possessed of Real or Personal Estate, or both, of such Value or Amount as would, if equally divided between them, qualify each to be elected, or if Two or more Persons be jointly rated in respect of any Property which, if equally divided between them, would qualify each to be so elected, each of the Persons so jointly seised, possessed, or rated may be elected, but the Property shall not at the same Time qualify the Owner and the Occupier thereof:

District may be divided into Wards, with Sanction of Secretary of State.

(4.) Local Boards of Health in Districts where the Public Health Act, 1848, is applied, may, with the Sanction of One of Her Majesty's Principal Secretaries of State, divide their District into separate Wards, and declare what Proportion of the Members of the Local Board is to be elected by each Ward: In Districts where this Act is adopted, the Owners and Ratepayers may by Resolution direct a Petition to One of Her Majesty's Principal Secretaries of State to divide the District into Wards, for the Purpose of Election of

of the Local Board, and to declare what Proportion of the Members of the Local Board shall be elected by each Ward, and the said Secretary of State may by his Order make such Division and Declaration after such Inquiry as he shall deem necessary, and Fourteen Days Notice shall be given of the Time, Place, and Object of such Inquiry; and if any Member be elected in more than One Ward, he shall within Three Days Notice thereof choose, or, in default of his choosing, the Local Board at their next Meeting shall decide for which One of the Wards the Member shall serve, and he shall thereupon be held to be elected in that Ward only, and a Vacancy shall be held to exist on account of the other Ward or Wards; no Person entitled to vote shall give in the whole of the Wards a greater Number of Votes than he would have been entitled to give if the District had not been divided into Wards, nor in any One Ward a greater Number of Votes than he is entitled to in respect of Property in that Ward; but subject to these Limitations, any Ratepayer or Owner may, by Notice in Writing delivered to the Clerk of the Local Board, or in case of the First Election to the Person appointed to conduct that Election, elect in what Ward or Wards he will vote for the ensuing Year, and determine the Proportion of Votes which he will give in any One or more of such Wards, and if he do not give such Notice he shall not be entitled to vote for any Ward in which he does not reside:

As to Election of Local Boards.

(5.) The Election of Local Boards shall be conducted in the Manner directed by the Public Health Act, 1848, for the Election of Local Boards of Health; and the Summoning Officer shall conduct the First Election; and the Members of the Local Board shall take such Declaration, continue in Office for the same Time, and be liable to such Disqualifications and Penalties, as the Members of Local Boards of Health under the said Public Health Act as altered by this Act:

(6.) If any Person nominated, or any Person on his Behalf, give at least One clear Day's Notice in Writing to the Returning Officer, before the Delivery or Collection of the Voting Papers, of an Intention to send some Agent to accompany the Deliverer or Collector of the Papers, the Returning Officer shall make his Arrangements so as to enable the Person appointed by him to be so accompanied; provided that no such Agent shall interfere in any respect in the Delivery or Collection of the Voting Papers:

(7.) Any

As to casual Vacancies.

(7.) Any casual Vacancy occurring by Death, Resignation, Disqualification, or otherwise in the Local Board may be filled up within One Month by the Local Board out of qualified Persons, but the Member so chosen shall retain his Office so long only as the vacating Member would have retained the same if no Vacancy had occurred:

As to First Meeting of Local Board.

(8.) In the Case of Districts not consisting of Boroughs or Towns under the Jurisdiction of such Improvement Commissioners as aforesaid, the First Meeting shall be held on such Day, not more than Ten Days after the Election of the Local Board, and at such Place, as the Returning Officer may, by Notice sent by Post or delivered to each Member of such Board, appoint.

Disqualification of Members of Local Boards.

XXV. Notwithstanding anything contained in the Public Health Act, 1848,

(1.) No Member of a Local Board shall vacate his Office by reason of his being interested in any Sale or Lease of any Lands, or any Loan of Money to the Local Board:

(2.) Nor by absenting himself from Meetings of the Board, if he be not absent from the District for more than Six Months at one and the same Time, unless in case of Illness, nor by reason of his being interested in any Contract with the Local Board as a Shareholder in any Company established under the Provisions of the Joint Stock Companies Acts or any of them, with or without a limited Liability, provided no Member of a Local Board, being a Shareholder, shall vote on any Question in which the Company is interested:

(3.) It shall be lawful for One of Her Majesty's Principal Secretaries of State to dispense in any Case with the Prohibition contained in the Nineteenth Section of the Public Health Act, 1848, by which no Member of a Local Board, being a Shareholder in any Company or Concern established for the Supply of Water, or for the carrying on of any other Works of a like public Nature, is entitled to vote upon any Question in which such Company or Concern is interested.

Powers of Local Board to vest in Town Council when a District becomes a Corporate Borough.

XXVI. So much of the Thirty-third Section of the Public Health Act, 1848, as requires that a Day shall be specified in any Charter of Incorporation by which the District of a Local Board becomes a Corporate Borough, from and after which the Powers, Authorities, Duties, Property, and Liabilities of the Local Board shall be vested in the Mayor, Aldermen, and Burgesses of the Borough by their Council, shall be repealed; and all Transfers of Powers, Authorities, Duties,

Duties, Property, and Liabilities which have been or shall hereafter be made by any Local Board of Health to the Mayor, Aldermen, and Burgesses of any Corporate Borough by their Council, the District of such Board and such Corporate Borough being identical, shall be valid and effectual to all Intents and Purposes, though no Day for such Transfer shall have been named in the Charter incorporating such Borough.

Power to adjoining Districts to unite, with Sanction of Secretary of State.

XXVII. Adjoining Districts may unite together upon such Terms and subject to such Conditions as the respective Local Boards of such Districts may, with the Sanction of One of Her Majesty's Principal Secretaries of State, determine.

Power to Local Board to execute Works in adjoining Places.

XXVIII. Every Local Board may, with the Consent of the Local Board of any adjoining District, or with the Consent of any adjoining Place maintaining its own Poor, do and execute in such adjoining District or Place all or any of such Works and Things as the Local Board may do and execute within their own District, and upon such Terms as to Payment or otherwise as may be agreed upon between such Local Board and the Local Board of the adjoining District, or the Local Authority under the Nuisance Removal Act, 1855, in and for such adjoining Place; and any Sums agreed to be paid by the Local Board of the adjoining District, in pursuance of this Section, shall be payable out of the Rates leviable under the Public Health Act, 1848, and this Act; and any Sums agreed to be paid by such Local Authority shall be payable out of the same Rates as the Expenses of executing the said Nuisance Removal Act; and the Consent of any such Place to any Work or Thing proposed to be done under this Section shall be signified in the same Manner in which the Consent of a Place to the Adoption of this Act is hereinbefore required to be signified; and where the Expenses of any such Work or Thing would, if the same had been executed in a District under the Powers of this Act, have been recoverable from Owners or Occupiers, such Expenses shall be recoverable by the Local Board or Local Authority of the District or Place respectively from such Owners or Occupiers.

As to Powers of Local Boards.

Powers of Local Board as to Sewerage.

Power to make Deduction from Rate in respect of Premises sufficiently drained.

XXIX. If it appear to a Local Board that any Premises were sufficiently drained before the Construction of any new Sewer they may lay down, it shall be lawful to deduct from the Amount of Rates otherwise chargeable in respect of such Premises such a Sum and for such Time as the Local Board may under all the Circumstances of the Case deem to be just.

Powers for disposing of Sewage.

XXX. Local Boards may,

(1.) Exercise the Powers given by the Forty-sixth Section of the Public Health Act, 1848, also without their District, if necessary for the Purpose of Outfall and Distribution of Sewage, upon making due Compensation, to be settled in the Manner provided in the One hundred and forty-fourth Section of the Public Health Act, 1848;

(2.) Contract with any Company or Person for the Sale of Sewage, or for the Distribution of it over any Land;

(3.) Contract for, purchase, or take on Lease any Lands, Buildings, Engines, Materials, or Apparatus for the Purpose of receiving, storing, disinfecting, or distributing Sewage:

Provided always, that these Things shall be done so as not to create a Nuisance.

Provision for obtaining Order for cleansing foul and offensive Water-courses or open Ditches lying near to or forming the Boundaries of Districts.

XXXI. In case any Watercourse or open Ditch lying near to or forming the Boundary between the District of any Local Board and any adjoining Parish or Place shall be foul and offensive, so as injuriously to affect the District of such Local Board, any Justice of the Peace for the County, City, or Borough in which such adjoining Parish or Place may be situate may, on the Application of such Local Board, summon the Local Authority for the Purposes of the Nuisances Removal Act, 1855, of such adjoining Parish or Place, to appear before the Justices of the same County, City, or Borough, to show Cause why an Order should not be made by the said Justices for cleansing such Watercourse or open Ditch, and for executing such permanent or other structural Works as may appear to such Justices to be 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 the Works, and the Persons by whom the same shall be executed, and by whom and in what Proportions the Costs of such Works shall be paid, and also as to the Amount thereof, and the Time and Mode of Payment, as to such Justices shall seem reasonable; and any Sums ordered to be paid by any Justices in pursuance of this Section shall be a Charge upon and be payable out of the Poor Rates of such adjoining Parish or Place, as if the same were legally incurred in the Relief of the Poor of such Parish or Place, and in default of Payment may be levied upon the Goods and Chattels of such Overseers by Distress and Sale thereof.

Powers as to Scavenging and Cleansing.

Power to Local Boards to cleanse or contract for cleansing.

XXXII. The Fifty-fifth and Fifty-sixth Sections of the Public Health Act, 1848, shall be repealed, excepting so much of the Fifty-sixth Section as relates to the providing Conveniences for the temporary

temporary Deposit of Dust, Ashes, and Rubbish, and also fit Buildings and Places for the Deposit of Sewerage and other Matters collected by the Local Board; and in lieu thereof be it enacted,

(1.) That Local Boards may themselves undertake or contract with any Person for

The proper cleansing and watering of Streets;
The Removal of House Refuse from Premises;
The cleansing of Privies, Ashpits, and Cesspools;

either for the whole or any Part of their District; and all Matters thus collected by the Local Board or Contractor may be sold or otherwise disposed of, and any Profits thus made by the Local Board shall be carried to the District Fund Account:

(2.) If any Person, not being the Occupier of a House within the District, removes, or obstructs the Local Board or Contractor in removing, any Matters hereby authorized to be removed by the Local Board, he shall for each Offence incur a Penalty not exceeding Five Pounds; and if any Person, being the Occupier of a House within the District, removes, or obstructs the Local Board or Contractor in removing, any such Matters (except in Cases where such Matters are produced on his own Premises, and are removed for Sale, or for his own Use for Manure, and are in the meantime kept so as not to be a Nuisance), he shall for each Offence incur a Penalty not exceeding Forty Shillings:

(3.) In Parts where the Local Board do not themselves undertake or contract with any Person for—

The cleansing of Footways and Pavements adjoining any Premises,—
The Removal of Refuse from any Premises,—
The cleansing of Privies, Ashpits, and Cesspools,—

They may make Byelaws imposing the Duty of such Cleansing or Removal on the Occupier of any such Premises:

Power to Local Board to make Byelaws as to Nuisances.

(4.) The Local Board may make Byelaws for the Prevention of Nuisances arising from Snow, Filth, Dust, Ashes, and Rubbish within their District, or of the keeping of Animals so as to be injurious to the Public Health:

Provision for Recovery of Expenses of Removal of offensive Accumulations under 11 & 12 Vict. c. 63.

(5.) Whenever the Local Board have removed any noxious or offensive Accumulation under the Fifty-ninth Section of the Public Health Act, 1848, the Expenses of Removal, so far as the same are not covered by the Sale of the said Accumulation, shall be recoverable in a summary Manner from the Occupier, or, where there is no Occupier, from the Owner of the Premises on which such Accumulation existed, or from the Person causing such Accumulation, or may, by Order of the Board, be declared to be Private Improvement Expenses.

XXXIII. When-

Amendment of Sect. 54. of 11 & 12 Vict. c. 63. for Purposes herein named.

XXXIII. Whenever the Surveyor, in the Course of any Examination made by him in pursuance of the Fifty-fourth Section of the Public Health Act, 1848, finds any such Drain, Watercloset, Privy, Cesspool, or Ashpit, as therein mentioned, to be in bad Order and Condition, or to require Alteration, it shall not be necessary for him to cause the Ground to be closed before the necessary Works are set about for amending such Drain, Watercloset, Privy, Cesspool, or Ashpit; provided that such necessary Works are undertaken forthwith.

Sects. 53. and 72. of 11 & 12 Vict. c. 63., as to new Streets and Houses, repealed, and the Provisions herein named to be instead.

XXXIV. The Fifty-third and Seventy-second Sections of the Public Health Act, 1848, shall be repealed; and in lieu thereof be it enacted as follows:

Every Local Board may make Byelaws with respect to the following Matters; (that is to say,)

(1.) With respect to the Level, Width, and Construction of new Streets, and the Provisions for the Sewerage thereof;

(2.) With respect to the Structure of Walls of new Buildings for securing Stability and the Prevention of Fires;

(3.) 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;

(4.) With respect to the Drainage of Buildings, to Waterclosets, Privies, Ashpits, and Cesspools in connexion with Buildings, and to the closing of Buildings or Parts of Buildings unfit for Human Habitation, and to Prohibition of their Use for such Habitation:

And they may further provide for the Observance of the same by enacting therein such Provisions as they think necessary as to the giving of Notices, as to the Deposit of Plans and Sections by Persons intending to lay out Streets or to construct Buildings, as to Inspection by the Local Board, and as to the Power of the Local Board to remove, alter, or pull down any Work begun or done in contravention of such Byelaws: Provided always, that no such Byelaw shall affect any Building erected before the Date of the Constitution of the District:

But for the Purposes of this Act the re-erecting of any Building pulled down to or below the Ground Floor, or of any Frame Building of which only the Frame Work shall be left down to the Ground Floor, or the Conversion into a Dwelling House of any Building not originally constructed for Human Habitations, 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 new Building.

Powers for Regulation of Buildings.

When Houses taken down, Local Board may prescribe Line in which same shall be rebuilt.

XXXV. When any House or Building has been taken down, in order to be rebuilt or altered, the Local Board may prescribe the Line in which any House or Building to be hereafter built shall be erected, and the same shall be erected in accordance therewith; and the Local Board shall pay or tender Compensation to the Owner or other Person immediately interested in such House or Building for any Loss or Damage he may sustain in consequence of his House or Building being set back, the Amount of such Compensation, in case of Dispute, to be settled in the same Manner as Compensation for Land to be taken under the Provisions of "The Lands Clauses Consolidation Act, 1845," is directed to be settled; and all the Provisions of the said last-mentioned Act relating to the Purchase of Lands shall apply to the Payment made for such Loss or Damage as if it were a Purchase under such Act.

Local Board may purchase Premises for Purpose of making new Streets.

XXXVI. The Local Board may, with the Sanction of One of Her Majesty's Principal Secretaries of State, purchase any Premises for the Purpose of making new Streets, and shall have with regard to Premises so purchased all the Powers given by the Seventy-third Section of the Public Health Act, 1848.

Highway Repairs.

Cost of Highway Repair to be defrayed out of General District Rate in certain Cases.

XXXVII. And whereas Doubts have arisen as to the Rate out of which the Repair of Highways is to be provided for in Districts under the Public Health Act, 1848: Be it enacted, That in such Districts, or in Districts where this Act is adopted, and where no other Mode of providing for the Repair of Highways is directed by any Local Act,

(1.) Where the whole of the District is rated to public Works of Paving, Water Supply, and Sewerage, or to Works for such of these Purposes as are provided for in the District, the Cost of Repair of Highways shall be defrayed out of the General District Rate:

Power to levy Highway Rates in certain Cases.

(2.) Where Parts of a District are not rated for Works of Paving, Water Supply, and Sewerage, or for such of these Purposes as have been provided for by Rate in the District, the Cost of the Repair of Highways in the same Parts shall be defrayed out of a Highway Rate to be separately assessed and levied in the same Parts by the Local Board as Surveyor of Highways, and the Cost of such Repair in the Residue of the District shall be defrayed out of the General District Rate:

(3.) Where no public Works of Paving, Water Supply, and Sewerage are established in the District, the Repair of Highways in the District shall be provided for by a Highway Rate, to be levied

over the whole District by the Local Board as Surveyors of Highways:

(4.) Where Part of any Township or Place, at the Time of the Application of this Act to any District, shall be liable to contribute and pay to the Highway Rates leviable or assessable within such District, although it shall not be included in the Limits of such District, such Part of the said Township or Place shall, for all Purposes connected with the Repairs of Highways, and the Payment of Highway Rates, but for no other Purposes, be considered to be and be treated as if forming Part of such District and comprised within the Limits thereof: Provided always, that no such District Rate shall be leviable within such Part:

Certain Acts not required to be done in case of Highway Rate being made by Local Board.

(5.) Provided, that it shall not be necessary for any Local Board, in the Case of any Highway Rate made by them, to do the following Acts or any of them; that is to say,

To lay such Rate before any Justices, or obtain their Allowance;

To annex thereto the Signature of such Local Board;

To lay the same before the Parishioners assembled in Vestry;

To verify before any Justices any Accounts kept by them of such Highway Rates:

And all such Accounts shall be audited in all respects in the same Way as the other Accounts of Local Boards, and all ministerial Acts required by any Act of Parliament to be done by the Surveyor of Highways may be done by the Surveyor of the Local Board, or by such other Person as they may appoint:

Application of Surplus under Sect. 117. of 11 & 12 Vict. c. 63.

(6.) The Surplus of any Monies directed by the One hundred and seventeenth Section of the Public Health Act, 1848, to be paid by Surveyors of Highways to the Treasurer of the Local Board, and to be carried to the District Fund Account, shall, for every District or Part of a District where the Roads are repaired out of Highway Rate, be carried by the same Treasurer to a separate Account to be kept by him, and called the Highway Rate Account. The Act of the Thirteenth *Victoria*, Chapter Thirty-five, "for requiring annual "Returns of the Expenditure on Highways in *England* and *Wales* "to be transmitted to the Secretary of State, and afterwards laid "before Parliament," shall apply to the Clerk to every such Local Board as aforesaid in like Manner as to the Clerk to any such Trustee or Commissioner as in such Act mentioned.

Powers as to Streets and Roads.

Power to Local Board to provide for sewering, &c. of

XXXVIII. The Powers given to Local Boards of Health by the Sixty-ninth and Seventieth Sections of the Public Health Act, 1848, to compel the sewering, levelling, paving, flagging, and channelling of Streets that are not Highways repairable at the Public Expense, and

and after the Completion of such Works to declare such Streets Highways repairable at the Public Expense, shall extend to providing the Means of lighting, metalling, or making good such Streets, and may be exercised in respect of the Carriageway, Footway, or any Part of such Streets; and the said Powers shall also be deemed to have extended and shall extend and be exercised in respect of any Street or Road of which a Part was at the Time of the Application of the Public Health Act, 1848, or is or may be, a Public Footpath, or repairable at the Public Expense, as fully as if the whole of such Street or Road had been or was a Highway not repairable at the Public Expense.

Parts of Streets not being Highways.

No Incumbent or Minister of any Church, Chapel, or Place appropriated to Public Religious Worship, which is now by Law exempt from Rates for the Relief of the Poor, shall be liable to any Expenses under the Sixty-ninth Section of the Public Health Act, 1848, or this Section, as the Owner or Occupier of such Church, Chapel, or Place, or of any Churchyard or Burial Ground attached thereto, nor shall any such Expenses be deemed to be a Charge on such Church, Chapel, or other Place, or on such Churchyard or Burial Ground, or to subject the same to Distress, Execution, or other legal Process; and the Local Board may, if they think fit, undertake any Works from the Expenses of which any such Incumbent or Minister is hereby exempted.

No Incumbent or Minister of any Church, Chapel, &c. liable to Expenses under Sect. 69. of 11 & 12 Vict. c. 63. or this Section.

XXXIX. It shall be lawful for any Local Board to agree with any Persons for the making of Roads for the Public Use through the Lands and at the Expense of such Persons, and to agree that such Roads shall become and the same shall accordingly become, on Completion, public Highways maintainable and repairable at the Public Expense; and it shall be lawful for such Board, with the Consent of Two Thirds of their Number, to agree with such Persons to pay, and accordingly to pay, any Portion of the Expenses of making such Roads out of the Funds at the Disposal of such Board for Public Improvements.

Power to Local Boards to agree as to making of new public Roads.

XL. It shall be lawful for any Local Board to 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 accordingly to 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 at the like Expense, by Agreement, to purchase so much of any Slopes, Embankments, or other Parts of such Canals, Railways, or Tramroads, or of any adjoining Lands, as may

Power to Local Boards, by Consent, to construct public Bridges, &c., or adopt as public, and improve, existing Bridges, &c., over or under

Canals, Railways, or Tramroads.

may be required for the Foundation and Supports of such Bridges, Viaducts, or Arches, and the Approaches thereto, and to 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 it shall be lawful for such Board, with the Consent of Two Thirds of their Number, to agree to pay, and accordingly to pay, any Portion of the Expenses of such Construction, Alteration, and Purchase out of the Funds at the Disposal of such Board for Public Improvements; and it shall be lawful for such Board, with the Consent of such Proprietors and other Persons interested, and on such Terms as may be mutually agreed upon, to 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.

Powers to Local Boards to enter into Agreements with Turnpike Trustees as to Repair, &c. of Roads.

XLI. It shall be lawful for any Local Board, by Agreement with the Trustees of any Turnpike Road, or with any Corporation or Person liable to repair any Street or Road, or any Part thereof, or with Surveyors of any Bridge repaired by any County, Riding, or Division, to take upon themselves the Maintenance, Repair, Cleansing, or Watering of any such Street or Road or any Part thereof, or of any Road over any County Bridge, and the Approaches thereto, or of any Part of the said Roads within their District, and to remove any Turnpike Gates, Toll Gates, or Bars which may be situate within Two Miles from the Centre of any Town or Place within their District, and to erect other Turnpike Gates, Toll Gates, or Bars in lieu thereof, on such Terms as the Local Board and the Trustees or Corporation or Person or Surveyor aforesaid may agree upon between themselves; provided that in case any Mortgage Debt is charged upon the Tolls of any such Turnpike Road, no Agreement shall be made for the Removal of any of the Toll Gates or Bars thereon, unless with the previous Consent in Writing of a Majority of at least Two Thirds in Value of the Mortgagees; and that when the Terms arranged shall include any annual or other Payments from the Local Board to the Trustees, then such Payments may be secured on the local Rates in the same Manner as other Charges on the Rates are authorized by this Act; provided also, that all Executors, Administrators, Guardians, Trustees, and all Committees of the Estates of Idiots and Lunatics, who as such are for the Time being entitled to any Money charged or secured on the Tolls of any such Turnpike Road, may consent to any such Agreement as aforesaid, as fully as if they respectively were so entitled in their own Right, discharged of all

all Trusts in respect thereof, and all Executors, Administrators, Guardians, Trustees, and Committees so consenting are hereby severally indemnified for so doing.

Objections under Sect. 70. of 11 & 12 Vict. c. 63. to be made by the sole Proprietor, or, if more than One, by a Majority.

XLII. And whereas by the Seventieth Section of the Public Health Act, 1848, it is provided that no Street shall become a Highway, under the Provisions of such Section, if within One Month after Notice in Writing shall have been first put up as therein mentioned the Proprietor of such Street, or the Person representing or entitled to represent such Proprietor, shall, by Notice in Writing to the Local Board, object thereto; and Doubts have arisen as to the Effect of such Provision: Be it enacted, That no such Objection shall be of Force unless made either by the sole Proprietor, or (if more than One) by the Majority in Number of such Proprietors, and in ascertaining such Majority joint Proprietors shall be reckoned and considered One Proprietor.

Certain Roads herein named not to be interfered with, except upon Conditions, &c. herein named.

XLIII. Notwithstanding anything contained in the Public Health Act, 1848, or this Act, it shall not be lawful for any Local Board to open or in any way disturb any of the public Roads or Footpaths under the Charge of the Commissioners of the Metropolis Turnpike Roads North of the *Thames*, or of the *New Cross* Turnpike Roads, or of the Trustees acting in execution of the *Surrey* and *Sussex* Roads Act, 1850, except upon the Conditions and subject to the Regulations herein-after contained; that is to say,

(1.) The Local Board shall leave at the Office of the Commissioners or Trustees of such Road Seven Days previous Notice, containing full Particulars of any Works intended to be executed by them, and affecting any of such Roads:

(2.) If the General Surveyor of the said Commissioners or Trustees directs the Works to be on any particular Part of such Roads the Local Board shall be bound to obey such Directions:

(3.) Except by the Permission of the said Commissioners or Trustees, the Traffic of any of the said Roads shall not at One Time be stopped or in any way hindered along more than Half of its Width, nor, if the Half left open is of less than the clear Width of Fourteen Feet, along more than One hundred Yards in Length; and no Alteration shall be made in the Inclination of any of the said Roads of more than One Foot in Sixty Feet:

(4.) All Works shall be done under the Superintendence of the General Surveyor; and all such Precautions as he may direct for the Protection and Convenience of the Public shall be taken by and at the Expense of the Party doing the Works, and in default the said Surveyor shall cause to be

done in that Behalf what he may think proper; and the Party doing the Works shall in all Cases of Damage occurring by reason of such Works, and whether such Precautions are or not taken, be answerable to the Person suffering such Damage, the said Commissioners or Trustees being hereby absolved from all Liability in respect of the Consequences of such Works:

(5.) The Party doing the Works shall, as regards every Road opened or disturbed, restore the same to its original State as to Surface and Materials, and, in order to meet the Expenses consequent upon the Subsidence of Materials newly filled in, shall repay to the said Commissioners or Trustees, on Demand, such Sum as they have expended in Restoration of the Road, not exceeding One Shilling for every superficial Square Yard, and, so far as the Works affect the same, shall make good all Drainage, Paving of Water Channels, Curbs of Footpaths, and other Matters and Things connected with the Maintenance of the said Roads; and on default the said Surveyor may cause to be done in that Behalf what he may think fit; and the said Surveyor may recover the Expense so incurred by him in a summary Manner.

Incorporated Powers.

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

XLIV. The Provisions of "The Towns Police Clauses Act, 1847,"

(1.) With respect to Obstructions and Nuisances in the Streets,
(2.) With respect to Fires,
(3.) With respect to Places of Public Resort,
(4.) With respect to Hackney Carriages,
(5.) With respect to Bathing,

Shall be incorporated with this Act.

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

XLV. The Provisions of "The Towns Improvement Clauses Act, 1847," with respect to the following Matters, that is to say,

(1.) With respect to naming the Streets and numbering the Houses,
(2.) With respect to improving the Line of the Streets and removing Obstructions,
(3.) With respect to ruinous or dangerous Buildings,
(4.) With respect to Precautions during the Construction and Repair of the Sewers, Streets, and Houses,
(5.) With respect to the Supply of Water, except the Proviso thereto,
(6.) With respect to the Prevention of Smoke,
(7.) With respect to Slaughter-houses,
(8.) With respect to Clocks,

Shall

Shall be incorporated with this Act, subject to this Qualification, that the above-mentioned Provisions with respect to the Prevention of Smoke shall not extend to compel the Consumption of all Smoke in the Case of all or any of the Processes following; that is to say, to the coking of Coal, the calcining of Ironstone or Limestone, the making or burning of Bricks, Earthenware, Quarries, Tiles, or Pipes, the raising of any Mines or Minerals, the smelting of Iron Ores, the refining, puddling, shingling, and rolling of Iron or other Metals, or to the melting and casting of Iron into Castings, or to the Manufacture of Glass, in any District where the Provisions of the said Act for the Prevention of Smoke are not now in force, in which the Local Board shall resolve that any One or more of such Processes should be exempted from Penalties for not consuming all Smoke for any Time specified in such Resolution, not exceeding Ten Years, which may be annually renewed for a similar or any shorter Period, if the Board shall think fit; and any Justice or Justices before whom any Person shall be summoned may remit the Penalty in any Case within such District in which he or they shall be of opinion that such Person has adopted the best known Means for preventing any Nuisance from Smoke, and has carefully attended to the same, so as to consume, as far as possible, the Smoke arising from any Process so exempted during such Time as any such Resolution shall extend to, unless an Order shall be issued by One of Her Majesty's Principal Secretaries of State directing that such Exemption shall no longer be continued in such District to such Processes or any of them, after a Time specified in such Order.

Watching and Lighting Act (3 & 4 W. 4. c. 90.) to be superseded by this Act.

XLVI. In any District where the Public Health Act, 1848, is in force, or where this Act is adopted, and in which the Act passed in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act to repeal an Act of the Eleventh Year of His late Majesty King* George *the Fourth, for the lighting and watching of Parishes in* England *and* Wales, *and to make other Provisions in lieu thereof*, has been adopted, the said last-mentioned Act shall be superseded by this Act, and all Lamps, Lamp Posts, Gas Pipes, Fire Engines, Hose, and other Property vested in the Inspectors for the Time being under the said Act, shall, in all existing Districts under the Public Health Act, 1848, and elsewhere upon the Adoption of this Act, vest in the Local Board.

Where Vestries adopt Provisions of 10 & 11 Vict. c. 74., Local Board to be

XLVII. In any District where a Vestry adopts the Act passed in the Tenth Year of the Reign of Her present Majesty, Chapter Seventy-four, and intituled *An Act to encourage the Establishment of Public Baths and Wash-houses*, the Local Board may, at the

the Commissioners under that Act.

the Option of the said Vestry, be the Commissioners for the Execution of the said Act, and shall thereupon have all the Powers, Duties, Rights, and Obligations of Commissioners under the said Act; and all Expenses incurred by the Local Board in carrying into execution the Powers given to them by the said Act shall be defrayed out of General District Rates, and all Receipts by them by reason of the Exercise of such Powers shall be carried to the District Fund Account.

Sections of 11 & 12 Vict. c. 63. as to Slaughter-houses repealed.

XLVIII. The Sixty-first and so much of the Sixty-second Sections of the Public Health Act, 1848, as empowers the Local Board to make Byelaws with respect to all Slaughter-houses, shall be repealed.

Local Board to be Burial Board of District, though the Burial Ground be provided for Parts of the District only.

XLIX. In any District where a Vestry of any One or more Parish or Place comprised therein having a known or defined Boundary adopts the Act passed in the Twentieth and Twenty-first Year of the Reign of Her present Majesty, Chapter Eighty-one, and intituled *An Act to amend the Burial Acts*, the Local Board may, at the Option of such Vestry, be the Burial Board for the Execution of the said Act within such Parish or Parishes, Place or Places, so adopting the Act as aforesaid, and shall thereupon have all the Powers, Duties, Rights, and Obligations of a Burial Board under the said Act; and all Expenses incurred by the Local Board in carrying into execution the Powers given to them by the said Act shall be defrayed out of Rates to be levied on such Parish or Parishes, Place or Places, so adopting the Act as aforesaid, in the same Manner as General District Rates are to be levied under the Provisions of this Act; and all Receipts by them, by reason of the Exercise of such Powers, shall be carried to the Credit of such Parish or Parishes, Place or Places so adopting the Act as aforesaid: Provided nevertheless, that in case the Parish or Parishes, Place or Places comprised in such District so adopting the Act as aforesaid shall have been declared a Ward or Wards for the Election of Members of the Local Board, and Members shall have been elected by and for such Ward or Wards, the last-mentioned Members shall form the Burial Board for such Parish or Parishes, Place or Places so formed into a Ward or Wards as aforesaid, instead of the Members of the said Local Board, and shall have all the like Powers, Duties, Rights, and Obligations of the Burial Board under said Act of the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Eighty-one.

Power of Local Board to establish Markets,

L. The Local Board shall in Non-Corporate Districts, with the Consent of the Owners and Ratepayers of the District, to be expressed by

by Resolution in the Manner herein provided with respect to Resolutions for the Adoption of this Act, and in Corporate Districts shall, with the Consent of Two Thirds of the Local Board, have the Power to do the following Things or any of them within their District: with Consent of Owners and Ratepayers.

(1.) To provide a Market Place, and construct a Market House and other Conveniences, for the Purpose of holding Markets:
To provide Houses and Places for weighing Carts:
To make convenient Approaches to such Market:
To provide all such Matters and Things as may be necessary for the convenient Use of such Market:
To purchase or take on Lease Land, and public or private Rights in Markets, and Tolls, for any of the foregoing Purposes:
To take Stallages, Rents, and Tolls in respect of the Use by any Person of such Market House:

But no Market or Slaughter-house shall be established in pursuance of this Section so as to interfere with any Rights, Powers, or Privileges enjoyed within the District by any Person, chartered Joint Stock or incorporated Company, without his or their Consent:

(2.) For the Purpose of enabling any Local Board to establish Markets in manner aforesaid, or to regulate Markets already established in any Corporate Borough before the Constitution of a Local Board therein, there shall be incorporated with this Act the Provisions of "The Markets and Fairs Clauses Act, 1847," in so far as the same relate to Markets: Provisions of 10 & 11 Vict. c. 14. as to Markets, &c. incorporated.
With respect to the holding of the Market or Fair, and the Protection thereof; and
With respect to the weighing Goods and Carts; and
With respect to the Stallages, Rents, and Tolls; and
With respect to Byelaws;

Subject to this Proviso, that all Tolls leviable by the Local Board in pursuance of this Section shall be approved by One of Her Majesty's Principal Secretaries of State.

Water Supply.

LI. The Powers given to Local Boards by the Seventy-sixth Section of the Public Health Act, 1848, shall extend to any House within their District to which a Supply of Water can be provided at an Expense not exceeding the Water Rate authorized by the said Act or any Local Act in force in the District, and Notices under that Section shall be served on Owners of Houses so supplied instead of Occupiers, and Expenses incurred under that Section shall be recoverable from such Owners. Powers of Sect. 76. of 11 & 12 Vict. c. 63. as to Water Supply extended to this Act.

Power of carrying Water Mains.

LII. Where the Local Board supply Water to their District they shall have the same Power for carrying Water Mains within the District as they have for carrying Sewers by the Law in force for the Time being.

Power to Directors of Waterworks or Market Company to sell Works, &c. to Local Boards.

LIII. It shall be lawful for any Local Board of Health absolutely to purchase, and for the Directors for the Time being of any Waterworks Company or Market Company, by and with the Authority of Three Fifths of the Shareholders for the Time being in such Company who may be present, either personally or by Proxy, at some General Meeting of the Company specially convened for the Purpose, to sell, convey, and transfer unto any Local Board of Health, upon such Terms as shall be mutually agreed upon between the Company and the Local Board, all the Rights, Powers, and Privileges, and all or any of the Lands and Premises, Works, Matters, and Things, which at the Time of such Purchase shall be the Property of the Company, but subject to all Mortgages, Contracts, or Liabilities to which the same shall be then subject.

Expenses and Rates.

Sect. 86. of 11 & 12 Vict. c. 63. as to the Power of levying Special District Rate, repealed.

Debts incurred and Contracts entered into before passing of this Act enforced.

LIV. (1.) The Eighty-sixth Section of the Public Health Act, 1848, shall be repealed; and whenever Special District Rate is mentioned in the Public Health Act, 1848, that Act shall be read as if no such Rate were mentioned therein: Provided always, that all Debts incurred and Contracts and Engagements entered into by or to any Local Board previously to the passing of this Act shall be enforced, and all Powers vested in any Local Board of raising Money by Rates, Tolls, or other Means for the Purpose of satisfying all such of the said Debts, Contracts, and Engagements as were incurred or entered into by such Local Board, shall be exercised, in the same Manner as if this Act had not been passed:

(2.) No Publication shall be required of any Private Improvement Rate.

(3.) The Costs of the Levy of Arrears of any Rate may be included in the Warrant for such Levy:

(4.) When any Rate is appealed against, or the Validity of any Rate is disputed, the Time during which the Appeal remains undecided, or any legal Proceedings concerning or relating to such Rate shall be pending, shall be excluded in calculating the Period of Six Months within which the Rate may be made retrospectively:

(5.) Notice of Demand of Rates may be served in the same Way as Notice is herein-after directed to be served by a Local Board before putting in force the Powers of Local Boards for the taking of Land otherwise than by Agreement.

LV. The

LV. The Eighty-eighth and Ninety-fifth Sections of "The Public Health Act, 1848," shall be repealed, and in lieu thereof be it enacted, That the General District Rates shall be made and levied upon the Occupier of all such Kinds of Property as by the Laws in force for the Time being are or may be assessable to any Rate for the Relief of the Poor, and shall be assessed upon the full net annual Value of such Property, ascertained by the Rate (if any) for the Relief of the Poor made next before the making of the Assessments under this Act, subject, however, to the following Exceptions, Regulations, and Conditions; namely,

Mode of Assessment of General District Rate, and Provision for compounding for Rates in the Case of small Tenements.

The Owner, instead of the Occupier, may, at the Option of the Local Board, be rated in Cases—

Where the rateable Value of any Premises liable to Assessment under this Act does not exceed the Sum of Ten Pounds; or,

Where any Premises liable to an Assessment are let to weekly or monthly Tenants; or,

Where any Premises so liable as aforesaid are let in separate Apartments, or where the Rents become payable or are collected at any shorter Period than quarterly; subject to this Proviso, that in Cases where the Owner is rated instead of the Occupier he shall be assessed upon such reduced Estimate as the Local Board deems reasonable of the net annual Value, not being less than Two Thirds nor more than Four Fifths of such annual Value:

And where such reduced Estimate is in respect of Tenements, whether occupied or unoccupied, then such Assessment may be made on One Half of the Amount at which such Tenements would be liable to be rated if the same were occupied and the Rate were levied on the Occupiers:

Certain Kinds of Property assessable on One Fourth of their net annual Value.

The Owner of any Tithes, or of any Tithe Commutation Rent-charge, or 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 under the Powers of any Act of Parliament for public Conveyance, shall be assessed in respect of the same in the Proportion of One Fourth Part only of such net annual Value thereof:

Provision as to Exemptions from rating under Local Acts.

Provided nevertheless, that if within any District or Part of a District any Kind of Property be exempted from rating by any Local Act in respect of all or any of the Purposes for which General District Rates may be made under this Act, the same Kind of Property shall, in respect of the same Purposes, and to the same Extent within the Parts

Parts to which the Exemption applies, but not further or otherwise, be exempt from Assessment to any General District Rates under this Act, unless a Provisional Order obtained and confirmed by Parliament in manner herein-after provided shall otherwise direct.

Poor Rate Books to be accessible for rating under Public Health Acts.

LVI. For the Purpose of assessing the General District Rate, any Person appointed by the Local Board may inspect, take Copies of or make Extracts from, any Rate for the Relief of the Poor within the District, or any Books relating to the same; and if any Officer having the Custody of such last-mentioned Rate or Book refuses to permit any such Inspection, or the taking of any such Copies or Extract, he shall for each Offence incur a Penalty not exceeding Five Pounds: If there is no such Assessment as aforesaid for the Relief of the Poor by reference to which such net annual Value can be estimated, or if such Assessment is, in the Judgment of the Local Board, an unfit Criterion for making a General District Rate, a Valuation shall be made by a Person appointed by the Local Board for that Purpose, in manner, as near as Circumstances will permit, prescribed by an Act passed in the Seventh Year of the Reign of King *William* the Fourth, intituled *An Act to regulate Parochial Assessments*, or any other Act for the Time being in force for regulating Parochial Assessments; and the net annual Value of the Property shall be ascertained by reference to the said Valuation and Assessment.

Power of Valuation as prescribed by 6 & 7 W. 4. c. 96. in case there should be no Assessment.

Sections 107. 113. and 119. of 11 & 12 Vict. c. 63. repealed, and Power given for raising Money on Credit of Rates.

LVII. The One hundred and seventh, the One hundred and thirteenth, and the One hundred and nineteenth Sections of the Public Health Act, 1848, shall be repealed; and in lieu thereof be it enacted, That the Local Board, or any Board of Improvement Commissioners exercising the borrowing Powers of the Public Health Act, 1848, may, for the Purpose of defraying any Costs, Charges, and Expenses incurred or to be incurred by them in the Execution of this Act or of any Act incorporated herewith, or of any Act incorporating the Powers of the Public Health Act, 1848, borrow and take up at Interest, on the Credit of the Charges and Rates authorized to be made or collected under the said Acts respectively, any Sums of Money necessary for defraying any such Costs, Charges, and Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the said Local Board may mortgage to the Persons by or on behalf of whom such Sums are advanced the said Charges and Rates or any of them; but the Exercise of the above Power shall be subject to the following Regulations:

(1.) Such Money shall not be borrowed except for permanent Works, nor without the Sanction of One of Her Majesty's Principal Secretaries of State:

(2.) The

(2.) The Money so borrowed shall not, except as herein-after provided, at any Time exceed in the whole the assessable Value for One Year of the Premises assessable within the District in respect of which such Money may be borrowed:

(3.) The Money may be borrowed for such Time, not exceeding Thirty Years, as the Local Board, with the Sanction of One of Her Majesty's Principal Secretaries of State, determine in each Case; and, subject as aforesaid, the Local Board may either pay off the Monies so borrowed by equal annual Instalments, or they may in every Year set apart as a Sinking Fund, and accumulate in the way of Compound Interest by investing the same in the Purchase of Exchequer Bills or other Government Securities, such Sum as will be sufficient to pay off the Monies so borrowed, or a Part thereof, at such Times as the Local Board may determine:

And in Cases where the Local Board borrow any Money for the Purpose of defraying Private Expenses, or Expenses in respect of which they have determined a Part only of the District to be liable, it shall be the Duty of the Local Board, as between the Ratepayers of the District, to make good, so far as they can, the Money so borrowed, as Occasion requires, either out of Private Improvement Rates, or out of a Rate levied in such Part of the District as aforesaid.

Rentcharge may be granted for Advances made to meet First Cost of Private Improvements.

LVIII. Where any Person shall advance Money for any Expenses which by the said Public Health Act, 1848, are, or by the said Local Board shall be, declared to be Private Improvement Expenses, the said Local Board, on being satisfied by the Report of their Surveyor or otherwise that the Money advanced by such Person has been duly expended, may issue a Grant in the Form B. in the Schedule hereunto annexed to such Person of a yearly Rentcharge to be issuable out of the Premises in respect whereof such Advance shall have been made, or out of such Part thereof, to be specified in such Grant, as the said Local Board shall think proper and sufficient, such Rentcharge to be Personal Estate, and to begin to accrue from the Day of Completion of the Works on which such Money shall have been expended as aforesaid, and to be payable by equal half-yearly Payments for and during a Term not exceeding Thirty Years, in such Manner that the whole of the said Sum so to be advanced as aforesaid, with the Costs of preparing the said Grant so to be issued as aforesaid, together with Interest thereon respectively, at a Rate not exceeding Six Pounds *per Centum per Annum* upon the Sum from Time to Time remaining unpaid, shall be repaid at the End of the said Term: Provided always, that the Grantee of

such Rentcharge shall for the Recovery of the same have all the Powers, Authorities, Rights, and Remedies of the said Local Board with respect to Private Improvement Rates, and the Provisions of the Ninety-first and Ninety-second Sections of the Public Health Act, 1848, shall also be applicable to such Rentcharge.

Rentcharges to be registered.

LIX. All Rentcharges made in pursuance of this Act, and Transfers thereof, shall be registered in the same Manner respectively as Mortgages and Transfers are required to be registered under the One hundred and eleventh and One hundred and twelfth Sections of the Public Health Act, 1848.

Audit of Accounts.

Provisions as to Audit of Accounts.

LX. The One hundred and twenty-second Section of the Public Health Act, 1848, shall be repealed, and in lieu thereof be it enacted as follows: Where the Mayor, Aldermen, and Burgesses of a Borough are the Local Board, the Accounts of the Receipts and Expenditure of the Local Board shall be audited and examined by the Auditors of the Borough, and shall be published in like Manner and at the same Time as the Municipal Accounts, and the Auditors shall proceed in the Audit after like Notice and in like Manner, shall have like Powers and Authorities, and perform like Duties, as in the Case of auditing the Municipal Accounts; and each of such Auditors shall in respect of each Audit be paid, out of the General District Rates levied under this Act, such reasonable Remuneration, not being less than Two Guineas for every Day in which they are employed in such Audit, as the Local Board from Time to Time appoints; and any Order of the Local Board for the Payment of any Money may be removed by Certiorari, and like Proceedings may be had thereon as under Section Forty-four of the Act of the First Year of Her Majesty, Chapter Seventy-eight, with respect to Orders of the Council of a Borough for Payments out of the Borough Fund:

With respect to Districts not Boroughs, as follows:

(1.) The Accounts of the Receipts and Expenditure of the Local Board shall be audited and examined once in every Year, as soon as can be after the Twenty-fifth Day of *March*, by the Auditor of Accounts relating to the Relief of the Poor for the Union in which the District or the greater Part thereof is situate, unless such Auditor is a Member of the Local Board whose Accounts he is appointed to audit, in which Case such Accounts shall be audited by such Auditor of any adjoining Union as may from Time to Time be appointed by the Local Board of Health:

And

And any Auditor acting in pursuance of this Section shall disallow every Item of Account contrary to Law, and surcharge the same upon the Person making or authorizing the making of the illegal Payment, and shall certify the same to be due from such Person, and upon Application by any Party aggrieved shall state in Writing the Reasons for his Decision in respect of such Disallowance or Surcharge, and also of any Allowance which he may have made; and any Person aggrieved by Disallowance made may apply to the Court of Queen's Bench for a Writ of Certiorari to remove the Disallowance into the said Court, in the same Manner and subject to the same Conditions as are provided in the Case of Disallowances by Auditors under the Laws for the Time being in force with regard to the Relief of the Poor; and the said Court shall have the same Powers with respect to Allowances, Disallowances, and Surcharges under this Act as it has with respect to Disallowances or Allowances by the said Auditors; or in lieu of such Application any Person so aggrieved may appeal to One of Her Majesty's Principal Secretaries of State, who shall have the same Powers in the Case of the Appeal as are possessed by the Poor Law Board in the Case of Appeals against Allowances, Disallowances, and Surcharges by the said Poor Law Auditors:

Power of Allowance, Disallowance, and Surcharge.

Disallowances may be removed by Certiorari into Court of Queen's Bench.

Appeal against Disallowances.

(2.) Every Sum certified to be due from any Person by the Auditor under this Act shall be paid by such Person to the Treasurer of the Local Board within Fourteen Days after the same shall have been so certified, unless there be an Appeal against the Decision; and if such Sum shall not be so paid, and there be no such Appeal, the Auditor shall recover the same from the Person against whom the same shall have been certified to be due by the like Process and with the like Powers as in the Case of Sums certified upon the Audit of the Poor Rate Accounts, and shall be paid by the Local Board all such Costs and Expenses, including a reasonable Compensation for his Loss of Time incurred by him in such Proceedings, as shall not be recovered by him from such Person:

As to Recovery of Disallowances.

(3.) For the Purpose of any Audit of Account under this Act, every Auditor may, by Summons in Writing, require the Production before him of all Books, Deeds, Contracts, Accounts, Vouchers, and all other Documents and Papers which he may deem necessary, and may require any Person holding or accountable for any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers to appear

Power to Auditor to require Production of Books.

appear before him at any such Audit or any Adjournment thereof, and to make and sign a Declaration as to the Correctness of the same; and if any such Person neglects or refuses so to do, or to produce any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers, or to make or sign such Declaration, he shall incur for every Neglect or Refusal a Penalty not exceeding Forty Shillings; and if he falsely or corruptly makes or signs any such Declaration, knowing the same to be untrue in any material Particular, he shall be liable to the Penalties inflicted upon Persons guilty of wilful and corrupt Perjury; and such Auditor shall in respect of each Audit be paid, out of the General District Rates levied under this Act, such reasonable Remuneration, not being less than Two Guineas for every Day in which he is employed in such Audit, as the Local Board from Time to Time appoints, together with his Expenses of travelling to and from the Place of Audit:

Notice of Audit.

(4.) Before each Audit of Accounts under this Act, the Local Board shall, after receiving from the Auditor the requisite Appointment, give Twenty Days Notice of the Time and Place at which the same will be made, by Advertisement in some One or more of the public Newspapers circulated in the District; and a Copy of the Accounts to be audited, together with all Rate Books, Account Books, Deeds, Contracts, Accounts, Bills, Vouchers, and Receipts mentioned or referred to in such Accounts, shall be deposited in the Office of the Local Board, and be open, during Office Hours thereat, to the Inspection of all Persons interested, for Seven Days before the Audit; and all such Persons shall be at liberty to take Copies of or Extracts from the same, without Fee or Reward; and the Production of the Newspaper containing such Notice shall be deemed to be sufficient Proof of the Notice of Audit on any Proceeding whatsoever:

Report of Auditor.

(5.) Within Fourteen Days after the Completion of the Audit, the Auditor shall report upon the Accounts audited and examined, and shall deliver such Report to the Clerk of the Local Board, who shall cause the same to be deposited in the Office of the Local Board, and shall publish an Abstract of such Accounts in some One or more of the Newspapers circulated in the District.

Legal Proceedings.

Notices by Local Boards to be signed by Clerk.

LXI. Any Summons, Demand, or Notice, or other such Document under the Public Health Act, 1848, or any supplemental Act or this Act, may be in Writing or Print, or partly in Writing and

and partly in Print, and if the same require Authentication by the Local Board, the Signature thereof by the Clerk to the Local Board shall be sufficient Authentication.

Expenses due from Owners to be a Charge on Premises.

LXII. Where the Local Board have incurred Expenses, for the Repayment whereof the Owner of the Premises for or in respect of which the same are incurred is made liable, either by Application of or Agreement with the Owner, or by the Public Health Act, 1848, or any Act incorporated therewith, or this Act, the same may be recovered from the Person who is Owner of such Premises when the Works are completed for which such Expenses have been incurred, in the Manner provided by the Public Health Act, 1848, and such Expenses shall be a Charge on the Premises in respect of which they were incurred, and shall bear Interest at the Rate of Five Pounds *per Centum per Annum* till Payment thereof. In all summary Proceedings by a Local Board for the Recovery of Expenses incurred by them in Works of Private Improvement, the Time within which such Proceedings may be taken shall be reckoned from the Date of the Service of Notice of Demand.

Apportionment of Expenses payable by Owners to be conclusive after Three Months from Notice given to them of the Amount.

LXIII. Notwithstanding anything in the Public Health Act contained, in all Cases where by such Act the Local Board shall have incurred Expenses, for the Repayment whereof the Owners of the Premises for or in respect of which the same are incurred is made liable by the Public Health Act, 1848, or any Act incorporated therewith, or by this Act, and such Expenses have been settled and apportioned by the Surveyors as payable by such Owner, such Apportionment shall be binding and conclusive upon such Owner, unless within the Expiration of Three Months from the Time of Notice being given by the Local Board or their Surveyor of the Amount of the Proportion so settled by the said Surveyor to be due from such Owner he shall by written Notice dispute the same.

Arbitration to be confined to Cases involving more than 20*l.*

LXIV. All Questions referable to Arbitration under the Public Health Act, 1848, or this Act, or any Act incorporated therewith, may, when the Amount in dispute is less than Twenty Pounds, be determined before Two Justices in a summary Manner, but the Justices may, if they think fit, require that the Work in respect of which the Claim of the Local Board is made, and the Particulars of the Claim, be reported on to them by any competent Surveyor, not being the Surveyor of the Local Board; and the Justices may determine the Amount of Costs incurred on that Behalf, and by whom such Costs or any Part of them shall be paid.

Memorials in respect of Private Improvement Charges.

LXV. Memorials under the One hundred and twentieth Section of the Public Health Act, 1848, from and after the First Day of *September* One thousand eight hundred and fifty-eight, shall be addressed to One of Her Majesty's Principal Secretaries of State, who shall have the same Powers in respect thereof as are vested in the General Board of Health by the said Section.

Penalty on Injury to Works, &c. of Local Board.

LXVI. If any Person wilfully injures any Works or Materials belonging to any Local Board, he shall in Cases where no other Penalty is provided by the Public Health Act, 1848, or any Act incorporated therewith, incur for every such Offence a Penalty not exceeding Five Pounds, to be recovered in a summary Manner.

Penalties to be payable to District Fund Account.

LXVII. All Penalties incurred in any Corporate Borough, and made payable to the Local Board of Health by the Public Health Act, 1848, or any Act incorporated therewith, or this Act, or any Act of which the Powers are to be executed by a Local Board, shall be payable to the District Fund Account, any Act to the contrary notwithstanding.

Saving Clauses.

Section 145. of 11 & 12 Vict. c. 63. repealed, and Provisions herein-named in lieu thereof.

LXVIII. The One hundred and forty-fifth Section of the Public Health Act shall be repealed, and in lieu thereof be it enacted, That nothing in this Act shall be construed to authorize any Local Board of Health,

(1.) To use, injure, or interfere with any Sluices, Floodgates, Sewers, Groynes, or Sea Defences, or other Works, already or hereafter made under the Authority of any Commissioners of Sewers appointed by the Crown, or any Sewers or other Works already or hereafter made and used for the Purpose of draining, preserving, or improving Land under any Local or Private Act of Parliament, or for the Purpose of irrigating Land, or in any Manner to disturb or interfere with any Lands, Hereditaments, Estates, or Property vested in Her Majesty's Principal Secretary of State for the War Department for the Time being, without Consent in Writing first obtained from such Commissioners or Secretary of State, or Persons acquiring Rights under such Local or Private Acts respectively; and nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities given or reserved to any Person under such Local or Private Acts;

Saving Clause for Proprietors of Canals, &c.

(2.) To interfere with any River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, so as to injuriously affect the Navigation thereon,

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, Dock, Harbour, Lock, Reservoir, or Basin, or in respect of the Navigation on or Use of which River, Canal, 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 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 authorized 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 passed, have been entitled by Law to prevent or be relieved against such Interference;

(4.) To interfere with any Bridges crossing any River, Canal, Dock, Harbour, or Basin, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are authorized by virtue of any Act of Parliament to navigate or use such River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation or Use of such River, Canal, Dock, Harbour, or Basin;

(5.) To execute any Works 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,

Without the Consent in every Case of such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as are herein-before in that Behalf respectively mentioned, such Consent to be expressed in Writing, in the Case of a Corporation under their Common Seal, and in the Case of a Company, Undertakers,

Undertakers, Commissioners, Conservators, Trustees, or Individuals, under the Hand of their Clerk or other duly authorized Officer or Agent: Provided always, that nothing in this Act contained shall be construed to alter or affect the Maintenance of any Rights of Local Boards existing at the Time of the passing of this Act.

Works not within preceding Section, and which interfere with Improvement of Rivers, Canals, &c., to be referred to Arbitration.

LXIX. In Cases where any Matters or Things proposed to be done by any Local Board, and which are not within the Prohibition aforesaid, interfere with the Improvement of any River, Canal, Dock, Harbour, Lock, Reservoir, Basin, or Towing-path 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, Dock, Harbour, or Basin, or with any Land necessary for the Enjoyment or Improvement thereof, the Local Board 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 intended 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 Local Board will cause any Injury to such River, Canal, Dock, Harbour, Basin, Towing-path, Works, or Land as are herein-before mentioned in this Section, or to the Enjoyment or Improvement of such River, Canal, Dock, Harbour, or Basin as aforesaid:

(2.) Whether any Injury that may be caused by such Matters or Things or any of them is or not of a Nature to admit of being fully compensated by Money.

Effect of Arbitration.

LXX. The Result of any such Arbitration shall be final, and the Local Board shall do as follows; (that is to say,)

If the Arbitrators are of opinion that no Injury will be caused, the Local Board 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 fully compensated by Money, they shall proceed to assess such Compensation; and upon Payment of the Amount so assessed, but not before, the Local Board may proceed to do the proposed Matters and Things:

If

If the Arbitrators are of opinion that Injury will be caused, and that it is not of a Nature to admit of being fully compensated by Money, the Local Board shall not proceed to do any Matter or Thing in respect of which such Opinion may be given.

Provision as to Transfer of Powers, &c.

LXXI. No Transfer of Powers and Privileges under this Act shall deprive any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on any River or Canal, or to demand for their own Benefit in respect of such Navigation any Tolls or Dues, of such Powers and Privileges as are vested in them by any Act of Parliament in relation to such River or Canal.

Power for Corporation to alter Sewers.

LXXII. Any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on or use any River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation on such River or Canal or the Use of such Dock, Harbour, or Basin, may, at their own Expense, and on substituting other Sewers, Drains, Culverts, and Pipes equally effectual, and certified as such by the Surveyor to the Local Board, take up, divert, or alter the Level of any Sewers, Drains, Culverts, or Pipes constructed by any Local Board, and passing under or interfering with such 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.

LXXIII. Nothing in this Act or any Act incorporated therewith shall be construed to authorize any Local Board 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, 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 such Board shall have first obtained the Consent in Writing of such Company or Individuals so entitled as aforesaid.

Arbitration Questions under preceding Sections.

LXXIV. Any Difference of Opinion that may arise between a Local Board 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

this Act for Sewers, Drains, Culverts, or Pipes constructed or laid down by any Local Board 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 this Act, may, at the Option of the Party complaining, be determined by Arbitration in the Manner herein-before provided; and in the latter Case the Arbitrators shall decide the same Questions as to the alleged Injury; and the Local Board shall proceed in the same Way as is herein-before provided with regard to Arbitrations in Cases of alleged Injury to Rivers, Canals, Docks, Harbours, and Basins.

Purchase of Land.

Regulation as to the Purchase of Land.

LXXV. So much of the Eighty-fourth Section of the Public Health Act, 1848, as relates to the Incorporation of the Lands Clauses Consolidation Act, 1845, shall be repealed, and the following Regulations shall be observed with respect to the Purchase of Land by Local Boards for the Purposes of this Act; (that is to say,)

(1.) The Lands Clauses Consolidation Act, 1845, shall be incorporated with this Act, except the Provisions relating to Access to the Special Act:

(2.) The Local Board, before putting in force any of the Powers of the said Lands Clauses Consolidation Act with respect to the Purchase and taking of Land otherwise than by Agreement, shall

Publication of Notices.

Publish once at the least in each of Three consecutive Weeks in the Month of *November* in some Newspaper circulated in the District or some Part of the District within which such Local Board has Jurisdiction is situate, an Advertisement describing shortly the Nature of the Undertaking in respect of which the Land is proposed to be taken, naming a Place where a Plan of the proposed Undertaking may be seen at all reasonable Hours, and stating the Quantity of Land that they require; and shall further in the Month of *December*

Service of Notices

Serve a Notice in manner herein-after mentioned on every Owner or reputed Owner, Lessee or reputed Lessee and Occupier of such Land, defining in each Case the particular Land intended to be taken, and requiring an Answer, stating whether the Person so served assents, dissents, or is neuter in respect of taking such Land; such Notice to be served

By Delivery of the same personally on the Party required to be served, or, if such Party is absent abroad, to his Agent; or

By

By leaving the same at the usual or last known Place of Abode of such Party as aforesaid; or

By forwarding the same by Post in a registered Letter addressed to the usual or last known Place of Abode of such Party:

Power to Local Board to petition Secretary of State upon Matters herein stated.

(3.) Upon Compliance with the Provisions herein-before contained with respect to Advertisements and Notices, the Local Board may, if they shall think fit, present a Petition under their Seal to One of Her Majesty's Principal Secretaries of State: The Petition shall state the Land intended to be taken, and the Purposes for which it is required, and the Names of the Owners, Lessees, and Occupiers of Land who have assented, dissented, or are neuter in respect of the taking such Land, or who have returned no Answer to the Notice: It shall pray that the Local Board may, with reference to such Land, be allowed to put in force the Powers of the said Lands Clauses Consolidation Act with respect to the Purchase and taking of Land otherwise than by Agreement, and such Prayer shall be supported by such Evidence as the Secretary of State requires:

Secretary of State may direct Inquiry;

(4.) Upon the Receipt of such Petition, and upon due Proof of the proper Advertisements having been published and Notices served, the Secretary of State shall take such Petition into consideration, and may either dismiss the same, or direct an Inquiry in the District in which the Land is situate, or otherwise inquire as to the Propriety of assenting to the Prayer of such Petition; but until such Inquiry has been made in the District, after such Notice as may be directed by the Secretary of State, no Provisional Order shall be made affecting any Land, without the Consent of the Owners, Lessees, and Occupiers thereof;

and may make Provisional Order:

(5.) After the Completion of the Inquiry as last aforesaid, the Secretary of State may, by Provisional Order, empower the Local Board to put in force with reference to the Land referred to in such Order the Powers of the said Lands Clauses Consolidation Act with respect to the Purchase and taking of Land otherwise than by Agreement, or any of them, and either absolutely or with such Conditions and Modifications as he may think fit, and it shall be the Duty of the Local Board to serve a Copy of any Order so made in the Manner and upon the Person in which and upon whom Notices in respect of such Land are herein-before required to be served:

(6.) No

No Provisional Order valid until confirmed by Parliament.

(6.) No Provisional Order so made shall be of any Validity unless the same has been confirmed by Act of Parliament, and it shall be lawful for the Secretary of State as soon as conveniently may be to obtain such Confirmation, and the Act confirming such Order shall be deemed to be a Public General Act of Parliament:

Costs how to be defrayed.

(7.) All Costs, Charges, and Expenses incurred by the said Secretary of State in relation to any such Provisional Order as last aforesaid shall, to such Amount as the Commissioners of Her Majesty's Treasury think proper to direct, become a Charge upon the General District Rates levied in the District to which such Order relates, and be repaid to the said Commissioners of Her Majesty's Treasury by annual Instalments not exceeding Five, together with Interest after the yearly Rate of Five Pounds in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

Local Board to report.

Local Board to report.

LXXVI. Every Local Board shall make an annual Report, in such Form and at such Time as the Secretary of State may from Time to Time direct, of all Works executed by them during the preceding Year, and of all Sums received and Disbursements made, under and for the Purposes of this Act, and publish the same in some Newspaper circulating in the District, and shall send a Copy to the Secretary of State.

Provisional Orders and Powers of Secretary of State.

Petition for Incorporation with or Separation from District, or for Repeal, &c. of Local Acts.

LXXVII. The One hundred and forty-first Section of the Public Health Act, 1848, shall be repealed, and in lieu thereof be it enacted as follows: Whenever it appears desirable to the Local Board of any District, or to the Majority of the Owners and Ratepayers in any Parish, Township, Hamlet, or Place maintaining its own Roads or its own Poor, adjoining any District, or to the Majority of Owners and Ratepayers in any Part of a District, such Majorities to be ascertained in the Way herein provided for voting with respect to the Adoption of this Act,

That any Portion of such Parish, Township, Hamlet, or Place should be incorporated with the District, or that such Part of the District should be separated therefrom,

Or whenever it appears to the Local Board of any District desirable,

That

That Provision should be made for the future Execution of any Local Acts in force within such District, having relation to the Purposes of this Act, and not conferring Powers or Privileges upon Corporations, Companies, Undertakers, or Individuals, for their own pecuniary Benefit; or that any such Acts, or any Exemptions from rating derived therefrom, or any Provisional Order or Order in Council applying the Public Health Act, 1848, or Act confirming such Provisional Orders, should be wholly or partially repealed or altered,

(1.) They may present a Petition to One of Her Majesty's Principal Secretaries of State, praying for such Incorporation, Separation, Provision, Repeal, and Alteration as aforesaid, or for any of such Things, and such Petition shall be supported by such Evidence as the said Secretary requires:

Power of Secretary of State on Receipt of Petition;

(2.) Upon the Receipt of any such Petition Inquiry may be directed in the District in respect of the several Matters mentioned in the Petition, after giving Fourteen Days Notice of the Time, Place, and Subject of the Inquiry:

to issue Order, and obtain Consent of District.

(3.) It shall be lawful for any of Her Majesty's Principal Secretaries of State to issue a Provisional Order in relation to the several Things mentioned in the Petition, and either in accordance with the Prayer thereof, or with such Modifications as may be requisite; and when the Order provides for the Incorporation of a Portion of any such Parish, Township, Hamlet, or Place with the District, or the Separation of any Part from the District, an Inspector shall proceed to the District for the Purpose of obtaining the Consent to such Order of the Place of which it is proposed that a Portion should be incorporated, or of the Part to be separated, and also, if such Order provide for any such Incorporation, the Consent of the petitioning District:

Consents how testified.

(4.) The Consent of the petitioning District to such Order shall be testified by a Resolution of the Local Board of such District, and the Consent of any Place or Part by a Resolution passed by a Majority of the Ratepayers resident in any such Place or Part assembled at a Meeting convened for the Purpose; and the Inspector shall, for the Purpose of obtaining such Consents, have Power to convene Meetings of the Local Board of any District, or Meetings of the Ratepayers of any Place or Part, with Fourteen Days Notice of the Time, Place, and Subject of such Meetings, and to do all such Matters and Things as may be expedient for that Purpose:

Provision as to Meetings of Part or Place.

(5.) In the Case of a Meeting of the Ratepayers of any Place or Part, the Ratepayers present shall elect a Chairman; and a Declaration by the Chairman that the Opinion of the Meeting is in favour or against any Resolution, as the Case may be, shall, in the Absence of Proof to the contrary, be sufficient Evidence that the Resolution is passed: The Inspector shall have Power to attend any such Meeting:

(6.) Whenever

Secretary of State to obtain Confirmation of Order.

(6.) Whenever such Consents as aforesaid have been given in the Cases in which they are herein-before required, the said Secretary of State shall, as soon as conveniently may be, take all necessary Steps for the Confirmation of such Order by Act of Parliament; but previously to such Confirmation it shall not be of any Validity whatever, and every Act of Parliament confirming such Order shall be deemed a Public General Act. In case any Petition shall be presented to either House of Parliament against any Provisional Order framed in pursuance of this Act, in the Progress through Parliament of the Bill confirming the same, the Bill, so far as it relates to the Order so petitioned against, may be referred to a Select Committee, and the Petitioner shall be allowed to appear and oppose as in the Case of Private Bills.

Extension of borrowing Powers in certain Cases.

LXXVIII. Where a Local Board, or any Board of Improvement Commissioners exercising the borrowing Powers of the Public Health Act, 1848, or this Act, or of any Local Act, has contributed to, purchased, or executed Works of Sewerage and Water Supply, or proposes to contribute to, purchase, or execute such Works, and where the Cost of such Works exceeds or is estimated to exceed One Year's assessable Value of the Premises assessable within the District in respect of which such Money may be borrowed, it shall be lawful for such Board to present a Petition to One of Her Majesty's Principal Secretaries of State praying for Powers to borrow or reborrow for such Works, on Mortgage of the Rates leviable by them under the Public Health Act, 1848, and this Act, and any Local Act, an Amount not exceeding Two Years assessable Value of the Premises assessable within the District in respect of which such Money may be borrowed or reborrowed, such Amount to be repaid within such Period not exceeding Fifty Years as such Board, with the Sanction of One of Her Majesty's Principal Secretaries of State, shall in each Case determine; and it shall be lawful for any of Her Majesty's Principal Secretaries of State to direct Inquiry on such Petition, and to issue a Provisional Order thereupon, and to take Steps for the Confirmation of any such Provisional Order by Act of Parliament in the Manner sanctioned in the preceding Section.

Secretary of State to provide for Execution of Act.

LXXIX. It shall be lawful for the Secretary of State to report annually to Parliament on the Execution of this Act, to make or direct such Inquiries as are directed by this Act, and to appoint from Time to Time such Officers, Clerks, and Servants as he may require for the Purposes of this Act, and at his Pleasure to remove any such Officers, Clerks, or Servants; and the Commissioners of Her Majesty's Treasury shall fix the Salaries and Allowances of such Officers, Clerks, and Servants.

LXXX. Any

Local Government.

Powers for Inquiry directed by Secretary of State.

LXXX. Any Officer directed by One of Her Majesty's Principal Secretaries of State to inquire into any Matter into which such Secretary is empowered to direct Inquiry under this Act shall, for the Purposes of such Inquiry, have all the Powers vested in superintending Inspectors by the One hundred and twenty-first Section of the Public Health Act, 1848.

Orders of Secretary of State to be binding.

LXXXI. All Orders made by One of Her Majesty's Principal Secretaries of State in pursuance of this Act shall be binding and conclusive in respect of the Matters to which they refer; and any such Secretary may make Orders as to the Costs of any Appeal to him under this Act, and the Parties by whom such Costs are to be borne; and every such Order may be made a Rule of One of the Superior Courts of Law, on the Application of any Party named therein.

Oxford and Cambridge.

Exception of Oxford and Cambridge.

LXXXII. Notwithstanding anything contained in this Act, the *Oxford* and *Cambridge* Commissioners, described in the Thirty-first Section of the Public Health Act, 1848, shall be the Bodies authorized to adopt this Act for the Districts respectively within their Jurisdiction; and in the event of the Adoption of this Act by the said *Cambridge* Commissioners, the said Commissioners shall be the Local Board for the District of *Cambridge;* and in the event of such Adoption by the said *Oxford* Commissioners, the Local Board of the *Oxford* District shall consist of the Vice-Chancellor of the University of *Oxford* and the Mayor of *Oxford* for the Time being, and of Forty-five other Commissioners, Fifteen to be elected by the University of *Oxford,* Sixteen by the Town Council of *Oxford,* and Fourteen by the Ratepayers of the Parishes situate within the Jurisdiction of the *Oxford* Commissioners; and the Election of such Commissioners by the Town Council and by the Ratepayers of the Parishes respectively shall be conducted at the same Time, in the same Way, and subject to the same Regulations in and subject to which Members constituting the Body of *Oxford* Commissioners are now respectively chosen by such Town Council and Parishes; and the Fifteen Commissioners to be elected by the University shall be elected as follows; namely, Four Commissioners shall be elected by the University in Convocation, and Eleven Commissioners shall be elected by the Heads and Senior Bursars of the several Colleges, and by the Heads of the several Halls; and the Elections shall be conducted by the said University, and by the Colleges and Halls respectively, at the same Time and in the same Way, and subject to the same Regulations, in and subject to which Guardians of the Poor for the University and for the Colleges and Halls are now chosen by

by them respectively, save that in the Election of Commissioners the Heads and Bursars of all the Colleges and the Heads of all the Halls shall be summoned by the Vice-Chancellor for that Purpose, and shall be entitled to vote; and Differences between either of the Universities of *Oxford* and *Cambridge* and the Local Boards of *Oxford* and *Cambridge* respectively within the Meaning of the One hundred and fifth Section of the Public Health Act, 1848, shall be settled by Arbitration in the Manner provided by that Act.

SCHEDULE.

FORM A.

Voting Paper.

AT a Meeting held on the Day of at the of , in the County of , it was agreed that the following Resolution should be proposed to the Owners and Ratepayers:—

"That the Local Government Act, 1858, be adopted in the of ."

	In favour of.	Against.	Number of Votes	
			As Owner.	As Ratepayers.
Do you vote in favour of or against the Adoption of this Resolution?	*J. S.*			

John Smith,
of 19, Fore Street.

N.B.—The Ratepayer will put his Initials under the Heading "in favour" or "against," according as he votes for or against the Resolution. He is also required to subscribe his Name and Address at full Length. If a Voter cannot write, he must make his Mark instead of Initials, but such Mark must be attested by a Witness, and such Witness must write the Initials of the Voter against his Mark. If a Proxy vote, he must add after his Signature the Words, "as Proxy for," with the Name of Corporation or Company for which he is Proxy. This Paper will be collected on the of , between the Hours of and

TAKE NOTICE.—"If any Person wilfully commits any of the Acts following, that is to say, fabricates in whole or in part, alters, defaces, destroys, abstracts, or purloins any Voting Paper, or personates any Person entitled to vote in pursuance of the Public Health Act, 1848, or this Act, or falsely assumes to act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding Three Months, with or without Hard Labour." (*Local Government Act*, 1858.)

(Signed by the Summoning Officer.)

FORM B.

By virtue of the Public Health Act, 1848, the Local Board of Health for the District of do hereby declare and absolutely order that the Inheritance of the [Dwelling House, Shop, Lands, and Premises, *as the Case may be*], situate in Street, in the Parish of within the said District, and now in the Occupation of shall be absolutely charged with the Sum of Pounds, paid by of for the Improvement by Drainage and Water Supply [*as the Case may be*] of the same Dwelling House, Shop, Lands, and Premises [*as the Case may be*], together with Interest for the same from the Date hereof at Pounds per Centum per Annum, until full Payment thereof; and also all Costs incurred by the said his Executors, Administrators, or Assigns, under this Security, shall be fully paid and satisfied: And we hereby further declare that the said Principal and Interest Monies shall be paid and payable by the Owner or Occupier of the said Premises to the said his Executors, Administrators, and Assigns, in manner following; (that is to say,) the Interest on such Principal Sum of Pounds, or on so much thereof as shall from Time to Time remain due and payable under this Order, shall be paid and payable by equal half-yearly Payments whilst payable on the Day of and the Day of in every Year, the First Payment thereof to be made on the Day of next, and such Principal Sum of Pounds shall be paid and payable by equal annual Instalments on the Day of in each of the next succeeding Years, towards the Discharge of the same Principal Sum, until the whole shall be fully satisfied and discharged.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1858.