CHAP. cxxxix.

An Act for amending the Northampton Improvement Act, 1843, and for conferring on the Commissioners thereunder additional powers; and for other purposes. A.D. 1871.

[13th July 1871.]

WHEREAS an Act was passed in the session of the sixth and seventh years of the reign of Her present Majesty, intituled "An Act for better paving, lighting, cleansing, and improving the town and borough of Northampton:" 6 & 7 Vict. c. lxxviii.

And whereas the said town and borough of Northampton is large and populous, and hath since the passing of the said recited Act greatly increased in size and number of inhabitants, and several new streets, passages, footways, and places have been made and formed and are still being made and formed therein:

And whereas it is expedient that more effectual provision should be made for the better paving, repairing, and maintaining the streets, footways, ways, roads, passages, and places which have been formed and are now forming or hereafter may be formed and made within the said town and borough, and for altering, diverting, and blocking up existing roads, ways, and streets, and constructing new streets and ways, and for lighting, cleansing, and repairing the same, and for the removal and future prevention of nuisances and annoyances therein, and for the protection of property from fire, and for altering the existing rates and assessments, and raising other rates in lieu thereof:

And whereas by the said Improvement Act Commissioners (herein-after called "the Commissioners") were appointed to carry into effect the powers and provisions of the said Act, and the Commissioners were authorised to raise money for the purposes of the Act by levying rates, and also by borrowing any sum of money not exceeding twenty thousand pounds on the credit of those rates and of the properties by the Act vested in the Commissioners:

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And whereas the Commissioners have raised by borrowing on mortgage, under the authority of the said Act, the sum of £20,000:

And whereas it is expedient, in addition to the special powers of taking land for the special purposes of this Act, to confer upon the Commissioners for the general purposes of this Act the same powers as are conferred upon local boards by the 75th section of the Local Government Act, 1858, and any Act amending the same:

And whereas, under the provisions of the Northampton Improvement Act, the Commissioners have constructed sewers and drains for properly cleansing the town of Northampton and preventing nuisances therein:

And whereas the sewage outfall works of the said Commissioners constructed by them under the powers of the said Act are upon the banks of the River Nene, so as to allow of the sewage matter being discharged into that river, and the Commissioners have been involved in much litigation respecting the discharge of such sewage matter into that river, and they have been restrained by an injunction of the High Court of Chancery from discharging such sewage matter from their main sewer, or any drain under their control, into that river, so as to create a nuisance, and it is expedient that the Commissioners be invested with further powers of constructing works for carrying the sewage of the borough of Northampton to a distance therefrom, and for their applying it to agricultural and other purposes, and for acquiring lands for those purposes, and that they be authorised to construct works for all or some of those purposes:

And whereas it is expedient that the Commissioners should be authorised to borrow money for the purposes of this Act:

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

And whereas duplicate plans and sections showing the several works to be authorised by this Act, and describing the lands intended to be taken for the same, and the lines or situations and levels of the whole works, and the lands in or through which they are to be made, and a book of reference thereto describing all such lands, and containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers thereof, have been deposited with the clerk of the peace for the county of Northampton, and the said plans, sections, and book of reference are herein-after referred to as the deposited plans, sections, and book of reference:

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

Commencement of Act.

1. From and after the third Wednesday next after the passing of this Act, this Act shall commence and take effect.

Short title.

2. This Act may be cited for all purposes as The Northampton Improvement Act, 1871.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act shall, except as herein-after mentioned, have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in the Acts incorporated with this Act, and also in this Act, the expression "superior court" or "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute; and with respect to the meaning and effect of expressions in this Act the following provisions shall have effect; (namely,)

The term "the Improvement Act of 1843" shall mean the recited Act of the session of the sixth and seventh years of Her Majesty's reign:

The words "the Commissioners," or the words "the said Commissioners," shall mean the Northampton Improvement Commissioners:

The words "the corporation" shall mean the mayor, aldermen, and burgesses of the borough of Northampton; the word "council" shall mean the town council of the borough of Northampton; the words "two justices" shall mean two justices in petty sessions assembled:

The word "street" and also the word "streets" respectively shall comprise and include any, the whole, or any part of any existing or future street, road, highway, carriageway, footway, lane, alley, court, archway, passage, thoroughfare, or bridge, square, and other open, covered, or partially covered public passage or place and public thoroughfare:

The word "house," or the word "houses," shall include any messuage or dwelling-house, warehouse, manufactory, or building, whether or not intended for human habitation, and every part thereof:

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The word "owner" used with reference to any lands or buildings in respect of which any work is required to be done shall mean the person receiving the rents of any property from the occupier thereof on his own account, or as mortgagee, or as trustee or agent for any other person, or who if such lands or buildings were let to a tenant at rackrent would so receive the rackrent from the occupier thereof, and shall also include every successive owner from time to time of such land:

The expression "rackrent" shall mean rent which is not less than two thirds of the full net annual value of the land out of which the rent arises, and the full net annual value shall be taken to be the rent at which the land might be reasonably expected to let from year to year, free from all usual tenant's rates and taxes, and tithe commutation rentcharge (if any), and deducting therefrom the probable average annual cost of repairs, insurance, and other expenses (if any) necessary to maintain the same in a state to command such rent:

The word "occupier" shall mean the person for the time being in the actual occupation or possession of the land with reference to which that expression is used:

The expressions "the clerk," "the treasurer," "the surveyor," "the officer of health," and "the collector" shall mean respectively the clerk, the treasurer, the surveyor, and the officer of health, and the collector for the time being appointed to those offices by the Commissioners:

The word "person" shall include company, and also a corporation, whether aggregate or sole:

Buildings and lands shall be deemed to be in a street or court when they or some part of the same, or some part of the yard, garden, or premises attached thereto or occupied therewith, abuts or abut upon such street or court, or when only some portion of ground open to the passage of the public intervenes between any such building or lands and any such street or court:

The re-erecting of any building pulled down to or within ten feet from the surface of the adjoining ground, or of any frame building of which only the framework is left down to the ground floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, shall be considered the erection of a new building.

Provisions of general Acts herein named incorporated.

4. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, so far as the provisions of those Acts respectively are applicable for the purposes and not inconsistent with the provisions of this Act, are hereby incorporated with this Act.

Construction of 6 & 7 Vict. c. lxxviii., and modification thereof.

5. The Improvement Act of 1843 shall be read and have effect with this Act as one Act, and for that purpose the expression "this Act" where used in the Improvement Act of 1843 shall be taken to include the present Act, subject to the following provisions; (namely,)

(1.) Such parts of the Improvement Act of 1843 as are described in part I. of the First Schedule to this Act are hereby repealed, but this repeal shall not affect any right, title, obligation, liability, or penalty accrued or incurred before the commencement of this Act:

(2.) In the form of declaration to be made by a Commissioner, set forth in section fifteen of the Improvement Act of 1843, and in the several forms of deeds and other documents set forth in the schedules to that Act, a reference to this Act shall be inserted after the reference therein to the Improvement Act of 1843, and in those several forms such other formal alterations shall be made as may be requisite for adapting the same to the purposes of the Improvement Act of 1843, and this Act read as one Act.

Abolition of poll where no contest.

6. Notwithstanding anything in the Improvement Act of 1843, where the number of persons proposed to be elected as Commissioners for supplying periodical vacancies is not greater than the number of vacancies, it shall not be necessary that a poll be taken.

Notices of meetings.

7. Notwithstanding anything in section thirty-one of the Improvement Act of 1843, it shall be sufficient if notice of a meeting be given, as therein mentioned, three clear days before the meeting.

Power to construct works.

8. Subject to the provisions of this Act, the Commissioners may, on any lands to be taken by them under this Act, or otherwise belonging to them, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, from time to time execute, construct, and maintain the line of pipes or conduits and works connected therewith shown on the deposited plans, comprising the following; namely,

First, a main conduit or pipe, conduits or line of pipes, with all necessary manholes, storm overflows, and other necessary works and conveniences along the course thereof, commencing in the said parish of Abington at the end of the main sewer of the Commissioners at or near the boundary fence between the

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parishes of St. Giles in the borough of Northampton and Abington, at a point about seventy-three feet south of the nursery grounds occupied by John Perkins, and at the hedge dividing a meadow in the parish of St. Giles, occupied by John Perkins, from the adjoining meadow in the parish of Abington occupied by Richard Britten, both meadows being the property or reputed property of Samuel Jones Baron Overstone, and terminating in the said parish of Great Billing in the north-west corner of a field in the said last-mentioned parish, which field is bounded on the north by the road leading from Little Billing to Ecton, and on the west by the road leading from Brayfield and Billing Bridge to Great Billing, and is in the occupation of John Fairey, and the property or reputed property of Valentine Dudley Henry Carey Elwes, which said conduit, pipes, and works will pass in, from, through, or into the parishes of Abington, Weston Favell, Little Billing, and Great Billing;

Secondly, all necessary and proper sewers, drains, channels, and junctions with sewers, and all necessary sluices, cuts, pipes, filtering or disinfecting beds, machinery, waste gates, gauges, regulating basins, reservoirs, approaches, and conveniences connected with the before-mentioned main conduit or pipe, conduits or lines of pipes, and other works, or any of them, in the said several parishes or any of them;

Thirdly, all necessary and convenient pumping stations, tanks, pumps, pipes, works and conveniences for the intercepting, lifting, conveying, receiving, storing, disinfecting, distributing, and utilizing the sewage and sewage matter aforesaid; and all such works, matters, and things as may be necessary or convenient for effecting the purposes aforesaid;

with all necessary or proper tunnels, manholes, storm overflows, sewer drains, channels, junctions with sewers, sluices, cuts, pipes, filtering and disinfecting beds, machinery, waste gates, gauges, regulating basins, pumping stations, tanks, pumps, approaches, and conveniences connected with the before-mentioned and branch conduits, or necessary or convenient for the intercepting, lifting, conveying, receiving, storing, disinfecting, distributing, and utilising the sewage and sewage matter now or at any time hereafter flowing through or into or being in or upon any of the reservoirs, tanks, sewers, drains, or works of the Commissioners, and may enter upon, take, hold, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for these purposes respectively, and may stop up so

much of the public road leading out of the road from the Billing Road Railway Station to Great Billing to Ecton as is comprised between a point nine chains and fifty links east of its junction with the aforesaid road from Billing Road Railway Station to Great Billing and a point where it meets the road leading from Cooknoe Mill to Ecton, substituting in lieu thereof a new road commencing at the said point nine and a half chains east of the said junction as aforesaid, and terminating at a point in the said road to Ecton four and a half chains north of the said point, where it meets the said road leading from Cooknoe Mill to Ecton as aforesaid, the whole of which new road is situate in the said parishes of Great Billing and Ecton.

Vertical deviation.

9. Whereas the said conduits and works run through lands of such a conformation that any lateral deviation from the lines as shown upon the deposited plans may necessitate a vertical deviation of a great extent, and it may be advisable to accommodate landowners by making such lateral deviation: Therefore, whenever any such lateral deviation is made to accommodate any landowner, then in the construction of any of the said works the extent to which the Commissioners may deviate vertically from the level thereof as shown on the deposited sections shall be any extent not exceeding twenty feet, and in any other case the Commissioners may deviate to any extent not exceeding five feet.

Lateral deviation.

10. Where the line of any works, as shown upon the deposited plans, passes along any highway, turnpike or other road, bridge, or street, and no limits of lateral deviation are shown on the deposited plans, the Commissioners may, in making the works, deviate laterally from the line thereof as laid down on the deposited plans to the extent of the boundaries of such highways, turnpike or other roads, bridges, or streets respectively.

Time for completion of sewerage works.

11. If the works aforesaid are not completed within seven years after the passing of this Act, then, on the expiration of that period, the powers by this Act granted to the Commissioners for making and completing the same or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for compulsory purchase.

12. The powers of the Commissioners for the compulsory purchase of lands for the purposes of the sewerage works authorised by this Act shall not be exercised after the expiration of five years after the passing of this Act.

Power to Commissioners to pur-

13. The Commissioners from time to time, by agreement, may purchase, take upon lease, or otherwise acquire any lands, and any

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chase lands and easements by agreement.

easements or rights in, over, or affecting lands, (but not easements in or over any water,) which they may deem necessary or convenient for any of the purposes of this Act with respect to sewerage works, or for extraordinary purposes in connexion with such works; and with respect to such works the word land in "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," respectively incorporated with this Act, includes easements and rights in, over, or affecting lands, but not easements in or over any water; and the power to take lands upon lease by agreement given by this clause extends as well to any of the lands shown in the deposited plans as to other lands; but the Commissioners shall not construct any conduit or work shown on the deposited plans upon any land taken upon lease.

Power to provide tanks, &c.

14. The Commissioners may from time to time, as they think fit, construct or provide, on any land for the time being belonging to them, such buildings, cesspools, tanks, or other receptacles as may be necessary for the purpose of collecting and depositing the sewage water and refuse of the sewers and drains and other places under the jurisdiction of the Commissioners for sewage purposes, and such apparatus and machinery as they think requisite for disinfecting such water and refuse, and provide and lay such pipes, pumps, and apparatus in such manner and in such places as they think requisite for collecting and distributing the same on any lands in the occupation of the Commissioners, or for sale or other disposition to any person agreeing with the Commissioners to purchase or otherwise take the same, either within or beyond the limits of the jurisdiction of the Commissioners for sewage purposes.

Grants of easements to remain valid notwithstanding destination of sewage altered.

15. All grants of easements made to or other rights already vested in the Commissioners for or in respect of the passage of conveyance of sewage and sewage matter through or along any lands or highways by means of any conduits or pipes of the Commissioners, shall remain valid and operative notwithstanding that the sewage or sewage matter to be passed through or along such conduits or pipes shall be greater in quantity or shall be derived from other and different sources, or shall be conveyed to other or more distant places, or shall be applied to other or different purposes than, or shall in any other mode differ from, the sewage and sewage matter in respect of which such easements or rights respectively were granted: Provided always, nevertheless, that nothing in this Act shall legalise or authorise the Commissioners to turn any of the sewage into the River Nene on the property of Samuel Jones Baron Overstone, now occupied by Thomas Merry, and

situate in the parish of Abington, or authorise the Commissioners to turn any sewage into the said river otherwise than they are now empowered to do.

Power to deal with lands for sewage purposes.

16. The Commissioners from time to time may use and employ any lands for the time being held by them for sewage and sewage utilisation purposes, and for the purposes of thereon dealing with, receiving, collecting, storing, disinfecting, deodorising, distributing, utilising, and applying to purposes of agriculture, irrigation, or fertilisation, or other like purposes, the said sewage and sewage matter.

Provisions as to supply of sewage to adjacent owners, &c.

17. The Commissioners may, under any agreement with the owners or occupiers of any land contiguous to the conduits or works of the Commissioners, supply to such owners or occupiers respectively sewage for the fertilisation of such lands, and should any dispute arise as to the terms upon which such sewage shall be supplied, the same shall be settled by arbitration in the manner provided with respect to arbitrations in "The Lands Clauses Consolidation Act, 1845."

Provisions as to supply of sewage to lands.

18. In supplying sewage for the irrigation of lands, the Commissioners shall supply only such quantities of sewage as, according to the nature of the soil and of the crop to which it is to be supplied, can be absorbed, so as to prevent any discharge of noxious matter into the wells, ponds, springs, rivers, or watercourses of the district or neighbourhood in or near which the lands are situate.

Power to execute works for fertilising purposes.

19. For the purpose of drawing off or supplying sewage for fertilising lands, the Commissioners may, by agreement, subject to the provisions of this Act, make all necessary openings in their conduits or other works, and construct, execute, lay down, and maintain, and from time to time renew, alter, improve, cleanse, and repair, all such works and apparatus as may be necessary or proper.

Power of entry for ascertaining quantity of sewage consumed by meter.

20. Any officer of the Commissioners may at any time enter any lands to, through, or into which sewage is supplied by them by measure or otherwise, in order to inspect the meters, instruments, pipes, and apparatus for the measuring, conveyance, reception, and storage thereof, or for the purpose of ascertaining the quantity of sewage supplied or consumed, and may from time to time enter any lands for the purpose of removing any meter, instrument, pipe, or apparatus the property of the Commissioners; and if any person hinders any such officer from entering or making such inspection or effecting such removal, he shall for every such offence be liable to a penalty not exceeding five pounds.

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Penalty for using sewage without agreement.

21. If any person, not being entitled thereto under any agreement with the Commissioners, wrongfully takes or uses any sewage from any tank, conduit, pipe, sewer, or work belonging to the Commissioners, so as to interfere with the rights or property of the Commissioners therein, he shall for every such offence be liable to a penalty not exceeding five pounds.

Conduits to be so constructed as not to be a nuisance.

22. The Commissioners shall cause the conduits and other works by this Act authorised, and the lands connected therewith, to be so respectively constructed, covered, kept, and used as not to be or to create a nuisance, or be injurious to health.

Commissioners not to create nuisance, &c.

23. Nothing in this Act shall exonerate the Commissioners from any indictment, action, or other proceeding for nuisance, or damages in the event of any nuisance being caused by them in conveying or disposing of the sewage or refuse from sewers, or in any other manner, or of any damage occurring from the want of repair of any of the works of the Commissioners, or authorise them to do or be party to any act or thing amounting to a nuisance.

Receipts from sewage, &c.

24. All receipts of the Commissioners from rents of lands and other sources connected with the sewerage works authorised by this Act shall be carried by them to their general accounts (kept under section fifty-four of the Improvement Act of 1843).

Charge not exceeding 10 per cent. upon sewers connected with sewers of the Commissioners.

25. If any sewer made before or after the commencement of this Act at the expense of the owners of buildings or lands in any street or court is connected with or obtains an outlet by means of a sewer either made wholly or partially at the expense of the Commissioners, the Commissioners may charge such owners for such connexion or outlet any sum not exceeding ten per centum upon their respective proportionate parts of the expense of making such first-mentioned sewer.

Persons or authorities outside borough may, with consent of Commissioners, agree as to the communication with sewering.

26. Any person, being the owner or occupier of any lands outside the limits of this Act in respect of which he would not be liable to the payment of rates under this Act, and any sewer authority or other body having powers for any district outside those limits, may, with the consent of the Commissioners first obtained in writing, upon payment to them of a reasonable sum of money, to be agreed upon between them, at his or their own expense, and under the superintendence of the surveyor, cause to branch into and to communicate with any of the sewers of the Commissioners any sewer or drain in respect of the same property that may be lawfully made therefrom, or any sewer under the control of such sewer authority or other body, of such size and in such manner and form of com-

munication as the Commissioners approve, but nothing in this Act shall affect any right acquired by such owner or occupier, or sewer authority, or other body, independently of this Act, to use any sewer or drain of the Commissioners.

Penalty for unauthorised drains.

27. If any person, or sewer authority, or other body not authorised by the Commissioners, makes any sewer or drain into any sewer or drain of the Commissioners, he or they shall be liable to a penalty not exceeding five pounds, and the Commissioners may cause such sewers or drain to be remade as they think fit, and may recover from him or them the expense of so doing.

Penalty for drains, &c. contrary to Act.

28. If any sewer, drain, privy, cesspool, ashpit, building, or other work be made or suffered to continue contrary to this Act, or if any person, contrary to this Act, rebuild, clean out, unstop, or in anywise alter any sewer, drain, privy, cesspool, ashpit, building, or other work, every person so offending shall for every such offence be liable to a penalty not exceeding five pounds, and for every day after the first day during which the offence continues to a further penalty not exceeding ten shillings; and the Commissioners may make such destruction, alteration, or amendment of any sewer, drain, privy, cesspool, ashpit, building, or other work as they think fit, and the expense shall be repaid to them by the person so in default, and shall be recoverable in the manner provided for the recovery of new street expenses.

Sewers to be provided with traps.

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

Sufficient privy or other accommodation to be provided.

30. If at any time it appear to the Commissioners that any building, whether built or rebuilt before or after the commencement of this Act, is without a sufficient watercloset, earth-closet, or privy, the Commissioners may give notice in writing to the owner of such building, requiring him, within such time as shall be specified in such notice, to provide such watercloset, earth-closet, or privy as they shall think fit: Provided always, that in case of any building in which more than ten persons are employed or lodged the Commissioners may order such number of waterclosets or privies to be constructed, and so separated for the different sexes, as they may think necessary; and if any person fails in any respect to comply with the provisions contained in such notice he shall be liable to a penalty not exceeding twenty shillings for every day during which such failure shall continue after the expiration of one month from the service on him of such notice.

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Penalty for obstructing sewers.

31. If any person shall throw or permit to fall into any sewer or drain vested in the Commissioners any cinders, ashes, glass, earthenware, metal, bricks, stones, or earth, he shall be liable to a penalty not exceeding forty shillings for every such offence.

Penalty for not amending privies after notice.

32. If any person shall allow the drainage of any land or building to flow or be turned into any ashpit or privy, and the Commissioners require him within seven days after notice to execute such works as may be necessary to prevent the same, he shall be liable to a penalty not exceeding five pounds if he fail to comply with the requirements of such notice.

Receptacles for dung to be provided.

33. All occupiers of any yards, places, or premises where horses, cattle, pigs, fowls, or other animals are kept shall provide upon such premises, to the satisfaction of the Commissioners or their authorised officer, a proper receptacle for dung, manure, and all other solid refuse arising on the premises, and a trapped drain for carrying off all urine and other liquid drainage from such premises or into such receptacle; and if no means for the removal of such dung, manure, and other solid refuse be provided by the Commissioners, every such occupier shall himself remove all such dung, manure, and other refuse at such interval of time, with such precautions, and within such hours as may from time to time be fixed by the Commissioners.

Occupiers of premises to whitewash.

34. All occupiers of any premises within the district shall whitewash, wash, or otherwise cleanse and keep free from filth the interior of such premises, so that no offensive smell shall proceed from the same.

Deodorisers to be employed.

35. No person shall empty or assist in emptying any privy, watercloset, cesspool, or similar receptacle of offensive matter within the district without the use of such deodorisers, and the employment of such other means of preventing disagreeable or hurtful effects therefrom, as shall be directed by the Commissioners or any of their authorised officers.

Privies, &c. to be cleaned.

36. In case any privy, watercloset, or cesspool within the district shall be in a foul or offensive state, so as to require cleansing or emptying, and notice under the hand of the inspector of nuisances or other authorised officer of the Commissioners shall be given to the occupier or left at his place of abode or business, or left with any householder entitled to the use of the said privy or watercloset, requiring such occupier or householder to cleanse or empty the same within a time to be therein mentioned, and if such occupier or householder shall neglect or omit to comply with such notice,

then and in every such case the occupier or householder to or for whom such notice shall have been given or left as aforesaid shall for every such neglect or omission forfeit and pay such sum as shall be herein-after provided, and the filth and soil of the said watercloset, privy, or cesspool may forthwith after the expiration of such notice be removed by the inspector of nuisances or other authorised officer of the Commissioners.

Blood boiling.

37. The business of a blood-boiler, bone-boiler, fellmonger, slaughterer of cattle, horses, or animals of any description, soap-boiler, tallow-melter, tripe-boiler, or other noxious or offensive business, trade, or manufacture, shall not be newly established in any building or place within the limits of this Act after the commencement of this Act without the consent of the Commissioners; and whosoever offends against this enactment shall be liable for each offence to a penalty not exceeding fifty pounds, and a further penalty not exceeding forty shillings for each day during which the offence is continued; and the Commissioners may from time to time make such byelaws with respect to any such businesses so newly established as they may think necessary and proper in order to prevent or diminish the noxious or injurious effects thereof.

Penalty for burning bricks.

38. Every person who, without the consent of the Commissioners first obtained in writing, shall at any time after the commencement of this Act, either within or without the limits of this Act, commence to burn bricks or tiles in any place nearer than thirty yards to a then existing dwelling-house within the limits of this Act, situate in or near any street or court, or who shall burn in any place within two hundred yards of any dwelling-house within the limits of this Act situate in or near any street or court, any cork, rags, bones, or other offensive matter, for the purpose of any trade, commerce, or manufacture, shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which the offence is continued after the expiration of fourteen days from service on him by the Commissioners of notice to discontinue such burnings.

Nuisances not to be legalised.

39. Nothing in this Act shall be construed to render lawful any act, matter, or thing whatsoever which but for this Act would be deemed to be a nuisance, nor to exempt any person from any liability, prosecution, or punishment to which he would have been otherwise subject in respect thereof.

Embanking ground.

40. Any person who shall raise or embank any ground with any matter which shall be or cause a nuisance injurious to health shall for every such offence be liable to a penalty not exceeding forty

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shillings, and to a further penalty not exceeding twenty shillings for every day during which such nuisance shall continue unabated after conviction.

Innkeepers, &c. to provide urinals.

41. The Commissioners may order the occupier of any inn, public-house, beer-house, eating-house, cook-shop, or other place of public entertainment already or hereafter to be built to provide and maintain upon or adjoining to his premises, at a place to be pointed out by them, urinals supplied with water for flushing out the same to the satisfaction of the Commissioners; and if any person shall fail herein for the space of one month next after notice of such order he shall be liable to a penalty not exceeding five shillings for every day's neglect thereof.

Appointment of officer of health.

42. The Commissioners may at any time and from time to time, if they shall think fit, appoint a fit and proper person to be and to be called the officer of health, who shall be removable by the Commissioners, and shall perform such duties as the Commissioners shall direct, and the Commissioners may pay to him out of the rates leviable under this Act such remuneration by way of annual salary or otherwise as they may determine, and they may, save as in this Act mentioned, defray the expense of carrying into effect the provisions of this Act or of any of the sanitary operations which, under such provisions, an owner or occupier of a dwelling-house may be required to perform, if from the poverty of such owner or occupier it shall appear to them expedient to do so.

Powers of officer of health.

43. The officer of health for the time being appointed under the provisions of this Act shall have and may exercise all such powers as are by any public and general Act, or by any local and personal Act, in force within the limits of this Act, vested in the inspector of nuisances.

Duties of officer of health.

44. It shall be the duty of the officer of health from time to time to report to the Commissioners on the following points:—

1. The existence or prevalence of epidemic, endemic, contagious, or other diseases which, in his opinion, renders it desirable that special sanitary measures should be employed to mitigate the severity or prevent the spread thereof:
2. The part of the district within the limits of this Act in which any such disease exists or prevails, or threatens to prevail, and the special sanitary measures which, in his opinion, ought to be carried into effect:
3. The situation of any dwelling-house which, as to the outside, is in a filthy condition, or, as to the inside, is in such a filthy

or unwholesome condition as to endanger the health of the inmates or the public:

4. The existence of any nuisance which, in his opinion, has caused or is likely to cause or to aggravate any such disease, or to interfere with the removal thereof, or to injure the health of the inhabitants.

Cleansing houses on report of officer of health.

45. On a report by the officer of health that it would be desirable to use special sanitary measures in order to mitigate the severity or prevent the spread of any epidemic, endemic, contagious, or other disease, or that any such disease exists or prevails or is likely to prevail, the Commissioners may give notice to the owner or occupier, as the case may be, of any dwelling-house situate in that part of the district within the limits of this Act in which the officer of health has reported that it appears to him desirable to use special sanitary measures, requiring such owner, at his own expense, to cleanse the outside of such dwelling-house, and requiring such occupier, at his own expense, to cleanse and lime-wash the inside thereof; and to purify, ventilate, and disinfect such dwelling-house or any part thereof, or any bedding, clothes, or other articles therein.

Lime-washing houses.

46. The Commissioners may at any time give notice to the owner or occupier of any dwelling-house the outside of which has been reported by the officer of health to be in a filthy condition, requiring such owner or occupier, at his own expense, to cleanse the outside thereof, and on a report by the officer of health that the inside of any dwelling-house is in such a filthy or unwholesome condition as to endanger the health of the inmates or the public, the Commissioners shall forthwith give notice to the occupier of such dwelling-house, requiring him, at his own expense, to cleanse and whitewash the inside thereof.

Regulations for preventing spread of infectious diseases.

47. The Commissioners may issue and enforce against every owner and occupier of premises in any part of the district within the limits of this Act in which the officer of health has reported that special sanitary measures are desirable, such directions and regulations as the Commissioners may, with the concurrence of the officer of health, from time to time think expedient for preventing, as far as possible, or mitigating, any such disease as aforesaid, but all such directions and regulations shall be published in at least one newspaper circulating in the district within the limits of this Act; and a copy of such directions and regulations shall be forwarded by the clerk to the Lords of Her Majesty's Most Honourable Privy

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Council, who may, if they think proper, disallow, revoke, or modify the same.

Directions to be issued.

48. Such directions and regulations may provide—

1. For house to house visitation:
2. For the removal of any person suffering from any infectious or contagious disease (with the consent of any such person if capable of consenting) to any hospital or other place approved by the Commissioners:
3. For the abatement or removal of any nuisance which is reported by the officer of health to have, in his opinion, caused or to be likely to cause or to aggravate any such disease as aforesaid, or to interfere with the removal thereof, or to injure the health of the inhabitants:
4. For preventing the spread of any such disease:
5. For affording to persons afflicted by or threatened with any such disease such medical aid and such medicines and accommodation as may be deemed requisite.

Appeal against regulations.

49. If any owner or occupier to whom notice has been given as last aforesaid considers himself aggrieved by such notice, he may, within two days thereafter, appeal to two justices, by delivering to the clerk written objections thereto signed by him, and the justices shall inquire into and dispose of the questions raised in such objections.

Penalty for not complying with regulations.

50. Every owner and every occupier to whom such notice has been given who does not comply therewith before the expiration of two days after the notice is given, or of three days after the decision of the justices on his objections, shall be liable to a penalty not exceeding forty shillings for every day or part of a day thereafter during which such notice shall not be complied with to the entire satisfaction of the Commissioners.

Warrant may issue to execute the works.

51. If any owner or occupier to whom such notice has been given fails to comply therewith, a justice may grant a warrant to the Commissioners to enter the premises and execute the work therein specified, and the Commissioners may execute the same accordingly, and recover the costs thereof from such owner or occupier.

Penalty for not complying with directions.

52. Every person who fails to observe or fulfil any direction or regulation made and published by the Commissioners under the powers herein-before conferred on them shall be liable to a penalty not exceeding five pounds.

Buildings certified by officer of health as unfit for human habitation to be closed.

53. If the officer of health shall by writing certify to the Commissioners that any building or part of a building, whether erected before or after the commencement of this Act, is unfit for human habitation, the Commissioners may by their order, affixed conspicuously on such building or part of a building, declare that the same is not fit for human habitation, and the same shall not, after a date therein to be specified, be inhabited; and after the date or time mentioned in such order no person shall let or occupy, or continue to let or occupy, or knowingly suffer to be occupied, such building or part of a building: Provided always, that if at any time after such order has been made the Commissioners shall be satisfied that such building has been rendered fit for human habitation, they may revoke their said order, and the same shall thenceforward cease to operate.

Closing of All Saints footpath.

54. Subject to the provisions of this Act, the Commissioners may permanently close up as a public passage the footway called All Saints footpath in the burial ground attached to and to the west of All Saints Church in the parish of All Saints in the town of Northampton, as shown in the deposited plans, but not so as to interfere with access to the church, and when the improvements shown in the deposited plans have been executed by the council, may take, enter upon, and use such of the lands delineated on the deposited plans, and described in the deposited book of reference, as consist of 432 square yards of land at the west end of such churchyard, and the ground so thrown into the public street shall thenceforth be part of the public highways of the town, and be maintained and repaired by the Commissioners.

Limits of streets.

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

Purchase of lands by agreement for improving streets.

56. For the purpose of making new streets, or widening, enlarging, altering, diverting, or rendering more commodious any street or court, or otherwise, for the improvement of the borough, the Commissioners may agree with the owner of and with any persons interested in any building or lands for the acquisition of such building or lands, and of all subsisting leases, rentcharges, annuities, mortgages, incumbrances, estates, easements, rights, and privileges in or affecting the same building or lands, either by the absolute purchase thereof, or by exchanging therefor any lands vested in the Commissioners and not required by them for the purposes of this Act, and, after such purchase or exchange, may cause the building, or the part thereof so acquired, to be taken down and removed, and

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the site thereof and the lands so acquired, or any part therefore respectively, to be used for any purpose in this section mentioned.

Purchase of lands.

57. The regulations contained in section seventy-five of the Local Government Act, 1858, shall be observed with respect to the purchase of lands by the Commissioners for the purposes of this Act (other than the lands delineated on the deposited plans and described in the deposited book of reference), and shall apply and have effect as if the Commissioners were a Local Board acting under that Act, and as if the purposes of this Act were purposes of that Act, and the costs, charges, and expenses in that section provided for shall become a charge on the rates levied by the Commissioners.

Width of streets and passages.

58. Notwithstanding anything in section one hundred and thirty of the Improvement Act of 1843 (regulating width of streets), every such street, alley, or public passage as therein mentioned, formed after the commencement of this Act, shall (subject to the provisions of section one hundred and thirty-one of that Act), if the same be a carriage road, be at least forty feet wide, and if a footway, at least thirty feet wide: Provided always, that every such footway shall be properly flagged with tooled Yorkshire flags of at least three inches in thickness, and iron posts shall be placed at either end of every such footway at a distance not greater than five feet apart.

Notice for new streets.

59. Every person who under section one hundred and five of the Improvement Act of 1843 (relating to notice to the Commissioners before the laying out of streets and other works) gives such notice as therein required shall, in the case of a new street, at the same time leave or cause to be left at the office of the surveyor a plan and transverse and longitudinal section of such intended new street, drawn to a scale of not less than one inch to every forty feet longitudinal, and one inch to every twenty feet vertical, and every such plan shall show thereon the names of the owners of the land through or over which such street shall be intended to pass, the level, width, direction, the proposed name of such intended new street, and its position relatively to the streets nearest thereto, and shall contain the name and address of the person intending to lay out such new street, and be signed by him or his duly authorised agent. Every such section shall show thereon the level of the present surface of the ground, and rate or rates of inclinations of the intended new street, and of the streets with which it will be connected, and the level of the lowest floors of the intended new buildings: Provided that nothing in this section

or in section one hundred and five of the Improvement Act of 1843 shall extend or apply to any street made or to be made by the Corporation under the powers of the Northampton Corporation Markets and Fairs Act, 1870.

Notice of intention to build, rebuild, or drain to be given to Commissioners.

60. Before beginning to dig the foundations of any new building, or to rebuild any building which has been pulled or burnt down to or below the ground floor thereof, and also before making any drain in connexion with any such building, the person intending to build or rebuild such building, or to make such drain, shall give to the Commissioners notice in writing of such intention by leaving the same at the office of the surveyor, and such notice shall state the name and place of business or residence of the owner, and also, in general terms, the description, intended use, mode of drainage, means of water supply, and situation of such building, and shall be accompanied by a section showing, by reference to some fixed point, the depth and level of the proposed foundations of each dwelling-house, and the size, depth, and level of each proposed drain, and also a plan showing the proposed lines of drainage, and a ground plan showing the size and situation of each yard and of each privy or watercloset and ashpit, and such section and plans shall be drawn to a scale of not less than one fourth of an inch to the foot, and a block plan shall be left at the same time, drawn to a scale of not less than one eighth of an inch to the foot, showing the position of the buildings and appurtenances of the properties immediately adjoining, and the width and level of the lowest floor of the intended building, and of the yard or ground belonging thereto.

Commissioners may disapprove.

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

Commissioners to approve or disapprove of proposed new works.

62. The Commissioners shall by their order approve or disapprove of proposed new works or buildings within the times severally specified herein for the deposit of notices thereof; but if the owner or person intending to construct any new street or erect any new building fail to give the notices herein required, or proceed to the execution of any of the works before the expiration of

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such notices, without the approval of the Commissioners, or if any owner or person shall construct or cause to be constructed any works, or do any act, or omit to do any act or comply with any requirement of the Commissioners, contrary to the provisions herein contained, he shall be liable for each offence to a penalty not exceeding forty shillings for each and every day during such works shall continue or remain, contrary to the said provisions; Provided always, that seven days previous notice be given by the Commissioners to such owner or person of such construction of works, omission of acts, or failure to comply with the requirements of the Commissioners; and the Commissioners may, if they shall think fit, cause such works to be removed, altered, pulled down, or otherwise dealt with as the case may require, and the expenses incurred by them in so doing shall be repaid by the offender, and be recoverable from him in a summary manner as provided by the Public Health Act, 1848.

Notice to be given by Commissioners of failure to comply with requirements.

Builder may proceed if Commissioners fail to signify their disapproval.

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

Notice to surveyor before commencing work.

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

Surveyor to inspect new works.

65. The surveyor shall inspect any works or buildings in progress of construction at any reasonable time that he may think fit, or that he may be required to do so by the Commissioners; and the persons laying out the work, or the builder, shall give two days notice in writing to the local surveyor before any sewers or drains are covered up, and the like notice shall be given after the works have been completed which may have been required by the surveyor to be done in amendment of any irregularity, and before such works shall be covered up; and all such notices shall contain the letter and number of the plan and section of any such work or building as approved by the Commissioners.

Surveyor to notify that works are

66. If in doing any work or erecting any building anything is done contrary to the rules herein contained, or anything required

by those rules is omitted to be done, the surveyor shall, within six hours after discovery thereof, give to the builder or person engaged in erecting such building or in doing such work notice in writing requiring such builder or person, within forty-eight hours from the date of such notice, to cause anything done contrary to the rules herein contained to be amended, or to do anything required to be done by such rules, but which has been omitted to be done.

contrary to rules.

67. Within one month after any work or building of which notice was given has been completed, or any such building shall be proposed to be occupied, the builder or person by whom such work has been done shall give notice to the surveyor thereof, and the surveyor shall, within seven days after receiving such notice, proceed to survey such building or work, and shall report to the Commissioners thereon.

Builder to give notice upon completion of works.

68. If any workman, labourer, servant, or other person employed in or about any new works wilfully, and without the privity or consent of the owner or person causing such work to be done, does anything in or about such works contrary to the provisions herein contained, he shall for each such offence incur a penalty not exceeding fifty shillings; and any person offending against any of these provisions as to delivery of notices, construction of buildings, and laying out of streets, shall for every such offence incur a penalty not exceeding five pounds.

Penalty on workmen.

69. No house or building, except such as shall be in the replacement or reconstruction of existing dwelling-houses, and intended for human occupation, shall hereafter be built within the limits of this Act in any court, yard, or other open space, unless the same shall front to or border on or form part of a public street, without the express sanction of the Commissioners: Provided always, that this section shall not apply to any house of a greater annual rateable value than thirty pounds.

Houses in courts not to be occupied excepting when forming parts of a public street.

70. No open space at the rear or side of any dwelling-house or other building shall be built upon unless a space of twenty square yards at least, exclusive of any back road, be left uncovered, and it shall be lawful for the Commissioners to cause every building built contrary to this section to be altered or demolished, as the case may require.

Space not to be built upon.

71. In every house or building for human occupation hereafter erected within the limits of this Act, the ground floor and the floor above the ground floor thereof shall each contain an area within the walls thereof of three hundred square feet at least, and

Area of inhabited houses.

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every room below or partly below the ground floor shall be at least seven feet six inches in height from the floor to the ceiling, and every other room, except in the attic or roof of any such building, shall be at least eight feet six inches in height from the floor to the ceiling, and every room in the attic or roof of any such building shall be at least eight feet in height from the floor to the ceiling throughout not less than one half of the area of such room, and not less than four feet at the sides thereof, and every room shall have one window or more, and the area of the window or windows shall be at the least one fifteenth of the area of the floor of such room, and one half of the window area shall be made to open fully, and if such room be of less area than one hundred superficial feet, and without a fireplace, it shall be provided with such means of ventilation, by air shaft or otherwise, as the Commissioners may approve of or require.

Proviso as to buildings in course of construction.

72. Provided always, that the above regulations shall not apply to buildings in progress, or to the continuation of a line of buildings part of which are in course of construction, and plans of which shall have been deposited with the Commissioners previous to the commencement of this Act, or shall have been stipulated for in the sale or allotment plans of the site thereof.

Thickness of brick walls.

73. No external brick walls of any building two stories in height hereafter built or rebuilt within the limits of this Act shall be of less thickness than nine inches, bonded together; if the building be three stories in height then the ground story shall be fourteen inches and the remaining upper stories nine inches in thickness at the least; if the building be four stories in height then the two lower shall be at the least fourteen inches; if of five stories in height the ground story shall be at the least eighteen inches, the two next at the least fourteen inches, and the upper ones nine inches in thickness.

Party walls.

74. No party walls shall be of less thickness than nine inches, bonded together. Where the party wall of any existing building is only of four and a half inches in thickness the wall of any building built to abut against the same shall be not less than nine inches in thickness; but where the existing wall is nine inches in thickness the wall of the building built to abut against the same may be four and a half inches in thickness.

Stone walls.

75. In all cases of stone walls the thicknesses above specified shall be increased one half.

Restriction on position of openings.

76. It shall not be lawful for any person, after the commencement of this Act, to erect any building of two stories or upwards in

height having any door, window, or other opening in any story above the lowest story, in such a position as not to open directly either on a street or some ground dedicated to public use, or on a yard or ground belonging to or occupied with or of right permanently used with the building, such yard or ground forming an open space six feet at least in breadth measured at right angles to the wall in which the door, window, or other opening is placed.

Party walls.

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

Parapets.

78. Any external or party wall of a new building the roof or gutter of which shall adjoin any other house or building shall be carried up above such roof or gutter to form a parapet of not less than twelve inches in height measured at right angles to the slope, and above the covering of such roof, or above the highest part of such gutter, except in cases of a continuous line of roof, where a separating parapet of six inches in height will be allowed.

Joists.

79. No joists, beams, or other woodwork fixed in or upon any external or party wall, except beams or bressummers, and story posts under the same, and frames of doors and windows, shall be brought within four and a half inches at least of the external face of such wall, unless with previous sanction of the Commissioners; and all continuous frontispieces or cornices of wood shall have a dividing pilaster or truss constructed of incombustible materials between each house.

Roofs to be covered with incombustible materials.

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

Chimneys how to be constructed.

81. The chimneys and flues of every building shall be constructed in such mode and of such materials and dimensions as shall be approved by the Commissioners; all hearths and slabs shall be properly bedded in incombustible materials; no timber or woodwork shall be placed within four inches and one half of an inch of the inside face of chimney or flue, or of any fireplace, and only in such case when the brickwork or stonework is properly rendered; no wooden plugs shall be driven nearer than four inches and one half of an inch to the inside of any chimney or flue.

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Buildings exempt from provisions of Act.

82. The following buildings and works shall be exempt from the operation of the provisions of this Act regulating the construction of buildings:

Prisons, and places of confinement connected therewith, under the inspection of the inspectors of prisons:

County lunatic asylums, sessions houses, and other public buildings belonging to or occupied by the justices of the peace of the county or borough of Northampton:

Station buildings and other buildings erected on lands belonging to a railway company, and used or intended to be used for the conduct of the business of a railway company under Act of Parliament, and not used or occupied exclusively as dwelling-houses.

Works affecting railways to be executed to satisfaction of engineer of company affected.

83. The Commissioners in executing any works under the authority of this Act in any way affecting any railway or railway works shall execute the same only according to plans to be submitted to and approved by the engineer for the time being of the railway company affected thereby, to the satisfaction of such engineer, and under his superintendence, but in all things at the expense of the Commissioners.

Drains for water.

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

Drains to be connected with sewers.

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

Ventilation of public buildings.

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

Houses without proper supply.

87. If, upon the report of the surveyor, it appears to the Commissioners that any dwelling-house in any street or in any court opening into any street within the borough in which there shall be a water main or pipe of the Northampton Waterworks Company shall be without a proper supply of water for domestic purposes, and that such supply can be furnished thereto, the Commissioners may give notice in writing to the owner of such house, requiring him, within a time specified in the notice, to obtain such a supply, and do all works necessary for that purpose; and if such notice be not complied with the Commissioners may do or cause to be done such works, and thereupon the Company shall, at the request of the Commissioners, furnish such supply, and charge upon such house the same water rent to which it would have been liable if the supply had been furnished thereto at the request of the owner or occupier thereof; and the Commissioners may recover the expenses of such works from the owner.

Privies, ashpits, &c.

88. No room for human occupation shall be made over a privy, cesspool, or ashpit. All ashpits and cesspools shall be covered in, and the situation, materials, construction, and mode of ventilation shall be subject to the approval of the surveyor.

Conversion of buildings into dwellings.

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

Buildings not to be inhabited until drainage made and completed. Written application of owner.

90. No building not occupied as a dwelling-house before the commencement of this Act shall be so occupied until the drainage thereof has been made and completed, nor until a certificate has been granted by the surveyor to the owner that such house is in every respect in accordance with the requirements of this Act; provided that if the surveyor fail to give such certificate within seven days after a written application for it shall have been made to him by the owner of such building, and shall not in the meantime specify to such owner which of the aforesaid requirements have not

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been complied with, with respect to such building, then (but subject nevertheless to the other provisions of this Act) such building may be thereupon occupied as a dwelling-house.

Preventing building on ground filled up with offensive matter.

91. It shall not be lawful for any person or body corporate to erect any dwelling-house or other building upon any site which shall have been filled up with any material impregnated with fæcal matter, or with any animal or vegetable matter which in the opinion of the surveyor or officer of health for the time being may tend by decomposition or otherwise to the prejudice of the health of any future resident or occupier of such house or building, or of any resident in the neighbourhood, except upon a certificate of such surveyor or officer that proper precautions in his opinion have been taken to obviate any such result; and every person who erects or causes to be erected, either wholly or partially, any building on any such ground, shall for every such offence be liable to a penalty not exceeding forty shillings for every day during which such building or part of a building shall continue upon any such ground.

Drains how to be laid.

92. The drains of all houses and buildings shall consist of glazed stoneware or fire-clay pipes, or other equally suitable material, and shall be laid in such direction, and with such fall, to be connected with the sewers in such a manner, as the local surveyor shall direct. They shall be laid with water-tight joints, and when beneath houses they shall be imbedded in and surrounded with well-puddled clay.

Sub-soil to be drained.

93. The house drainage shall be so constructed, either with additional earthenware pipe drains or otherwise, as to drain the sub-soil of the premises whenever the dampness of the site appears to the Commissioners to render this necessary, and all rain water shall be so drained or conveyed from the roofs of houses and buildings as to prevent its dripping on to the ground and [causing dampness in the walls.

Water-closets and privies subject to approval of Commissioners.

94. The situation, dimensions, materials, and construction of every watercloset and privy shall be subject to the approval of the Commissioners. Every watercloset or privy shall have an opening as near to the top as practicable, communicating directly with the external air, or shall be otherwise furnished with sufficient means of ventilation.

Cesspools not to be allowed, except when unavoidable.

95. No cesspool shall be allowed, except when unavoidable, when it shall be constructed in such a manner as the Commissioners shall direct; and no cesspool receiving or meant to receive soil from any privy shall be so constructed that surface water can flow into the same.

New houses to be certified by surveyor.

96. No new house shall be occupied until the surveyor shall have certified under his hand that the provisions of this Act have been carried out, as to structure of the walls, sufficiency of ventilation, and as to drainage, in accordance with the plans approved of by the Commissioners.

Cellar dwellings.

97. It shall not be lawful to let or occupy or suffer to be occupied separately as a dwelling any vault, cellar, or underground room which shall not have been lawfully so let or occupied before the commencement of this Act; and any person contravening this enactment shall be liable for every such offence to a penalty not exceeding ten pounds, and to a further penalty not exceeding twenty shillings for every day during which such offence shall continue after conviction therefor.

Cellars unfit for human habitation to be closed.

98. In case at any time it shall appear to the Commissioners that any cellar, vault, or underground room which is lawfully occupied as a separate dwelling, having been so occupied before the commencement of this Act, is unfit for human habitation, the Commissioners may, by notice under the hand of the clerk to the owner and occupier thereof, require that the occupation thereof as a separate dwelling shall from and after the expiration of one month from the service of such notice be discontinued; and any person who shall, after the expiration of one month from the service of such notice, let, occupy, or continue to let, or knowingly suffer to be occupied, any such cellar, vault, or underground room, shall be liable for every such offence to a penalty not exceeding twenty shillings for every day during which the same shall continue to be so let or occupied after the expiration of any such notice from the Commissioners.

Penalty.

Appeal.

99. If any owner shall think himself aggrieved by any such order of the Commissioners, and shall, as by this Act authorised, appeal against any such order, such owner shall not be liable to pay any penalty in respect of the continued occupation of any such cellar, vault, or underground room until the expiration of fourteen days after the determination of such appeal and the confirmation of the order of the Commissioners, unless such appeal shall cease to be prosecuted.

Owners not liable in certain cases.

100. No owner shall be liable to any penalty for or in respect of the continued occupation of any such cellar, vault, or underground room, who shall, after the receipt of any such notice from the Commissioners, have given notice to his tenant or tenants to quit and deliver up the possession of the same, and have ceased to receive or claim any rent for the hire or occupation thereof.

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Occupants of cellar dwellings may be removed by order of justices.

101. Upon the application of the Commissioners, and satisfactory proof that due notice has been given for the closing as a separate dwelling of any such cellar, vault, or underground room, and that no appeal in relation thereto is pending, any justice may cause the occupant thereof to be removed, and any constable may enter any such cellar, vault, or underground room, and do or assist in doing all matters and things necessary for the purpose aforesaid; and in the event of access thereto for any such purpose being refused, any such justice may grant a warrant for forcibly entering such dwelling; and if any person wilfully obstructs any constable in the execution of his duty under this section he shall be liable to a penalty not exceeding twenty pounds.

Lodging-houses.

102. No person shall suffer any lodgers to sleep in any room in any house belonging to or occupied by him unless there be three hundred cubic feet of space at the least for every person sleeping in such room; and every person who shall offend against this enactment shall be liable to a penalty not exceeding forty shillings, and a further penalty not exceeding twenty shillings for every day on which such offence shall continue.

Property abutting on River Nene to be fenced.

103. The Commissioners may, by notice under the hand of their clerk or surveyor, order any owner of property abutting on the River Nene, within the limits of this Act, to fence off such property or any part thereof which is in a dangerous condition or likely to be dangerous from its close proximity to such river; and on the failure of any such owner to comply with such notice for fourteen days after service thereof the Commissioners may enter on the property, and execute the work required by the notice, and recover the expenses of so doing from the owner.

Provision for rain pipes.

104. Section one hundred and fifty-seven of the Improvement Act of 1843 (relating to rain pipes) shall have effect as if an eaves-gutter were therein mentioned in addition to a shute or trough, and every shute, trough, or gutter put up under that section as amended by this section shall, unless the Commissioners otherwise permit, be not less than four inches wide and two inches and a half deep.

Restriction on hoists, lifts, &c.

105. Section one hundred and thirty-three of the Improvement Act of 1843 (relating to the removal or alteration of cranes and other projections) shall apply to any hoist, lift, or other machinery placed after the commencement of this Act against or in front of any warehouse or other building.

Hanging of goods across streets.

106. Section one hundred and ninety-four of the Improvement Act of 1843 (relating to penalties for nuisances in streets) shall extend to every person who, within the limits of this Act, places

any line, cord, or pole across or over any street or part thereof, or hangs or places any goods for exhibition or sale on any line, cord, or pole so placed, or hangs out or exposes across or over any street or part thereof any clothes or other article for the purpose of being exhibited or sold or offered for sale.

Publication in newspapers of orders as to driving cattle.

107. The Commissioners may from time to time, by an order to be published in three successive weeks in one or more local newspapers circulating in the district within the limits of this Act, direct and prescribe the streets within the district within the limits of this Act in or through which the leading or driving of cattle shall be permitted, and no person shall thereafter lead or drive, or cause to be led or driven, any cattle through any other streets than the streets specified in the order; and every person offending against this section shall for every such offence forfeit a sum not exceeding five pounds: Provided that the streets which it shall be lawful for the Commissioners so to prescribe shall not be such as would prevent the passage of any cattle between any market and any railway station in the district within the limits of this Act, or any place beyond the boundary of the district within the limits of this Act, when such cattle are merely passing between such market or railway station or other place as aforesaid, and that the Commissioners shall be bound to allow at all times a reasonably short and sufficient route or routes for the passage of such cattle: Provided also, that the directions given in such order shall only operate between the hours of eight in the morning and nine in the evening, and shall not prevent the owner of any cattle driving the same to his own premises within the district within the limits of this Act: Provided also, that nothing herein contained shall authorise the Commissioners to interfere with the driving of cattle to any slaughter-house in the district within the limits of this Act so long as the slaughtering of cattle therein shall be lawful: Provided also, that if at any time the corporation shall desire to exercise the powers contained in this section, and shall give to the Commissioners notice under their common seal of such desire, then, at the expiration of three months after the giving of such notice, the powers of this section shall be thenceforth exercised by the corporation, by the council, in lieu of the Commissioners, and the right of the Commissioners to exercise the said powers shall thenceforth cease and determine.

Baths and wash-houses.

108. The Commissioners may at any time, out of the moneys to be raised by virtue of this Act, and on land acquired by them by agreement for that purpose, erect and maintain public baths and wash-houses, and may take therein such tolls and charges as may be by them determined.

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Provision for communication between sewers of Commissioners and of adjoining local authorities.

109. That if any local authority be constituted for any parish or district lying near to or adjoining but beyond the limits of this Act, such local authority shall have power to cause any sewer or drain which may be constructed by them as an outfall sewer to communicate with the sewers of the Commissioners, and it shall also be lawful for the Commissioners to cause any sewer or drain made by them to communicate with any sewer or drain made by any such local authority; and that in either case any such communication shall be made upon such terms and conditions as to compensation or otherwise, and in such manner, as may be agreed upon between the parties respectively, or, in case of dispute, as shall be settled by arbitration in the manner provided by the Public Health Act, 1848, and the other Acts incorporated therewith.

Fire-engine station may be erected.

110. The Commissioners may, by agreement, purchase or take on lease any lands for the purposes next herein-after mentioned, and may erect and maintain thereon, and may furnish and fit up, fire-police stations and engine-houses, and other offices and buildings connected with a fire-police establishment, and may from time to time enclose the said stations and engine-houses and firemen's dwellings, and may alter, enlarge, and repair such buildings and dwellings: Provided always, that the Commissioners shall not erect any building of a permanent character on any land taken on lease.

Firemen to give up residences after notice.

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

Fire engines may proceed beyond limits of Act.

112. The Commissioners may permit their engines, and the implements and apparatus belonging thereto, and any part of the fire-police establishment, to proceed beyond their limits for the extinguishing of fire happening to property in the neighbourhood; and the owner of such property shall in such case defray the actual expense that may be thereby incurred, and shall also pay to the Commissioners a reasonable charge for the use of such engines, implements, and apparatus, and for the attendance of such fire police; and in case of difference between the Commissioners and such owner the amount of the said expenses and charge, as well as the propriety of the said engines, implements, and apparatus, and

fire police having so proceeded as aforesaid for the extinguishing of such fire (if the propriety thereof be disputed), shall be summarily determined by any justice, whose decision shall be final and conclusive on all parties; and the amount awarded by such justice shall be recoverable in like manner as any penalty imposed by this Act is recoverable. A.D. 1871.

Firemen may break into buildings on fire, &c.

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

Prevention of fire.

114. With a view to the prevention of fire and the escape of smoke, noisome gases, ashes, and other products of combustion, the Commissioners may regulate the height of the chimneys of all buildings used at or after the commencement of this Act for the purposes of trade or manufacture, or for baths and wash-houses, and may order that any such chimney be altered or built so as to be of the height specified in the order, and may order any brick-kilns within the limits of this Act to be domed over; and if any person does not comply with the order, or in the case of any new chimney neglects to give fourteen days notice in writing to the Commissioners of his intention to build the same, he shall be liable to a penalty not exceeding twenty pounds.

No pipe to be fixed against buildings, &c.

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

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Fireplaces how to be constructed.

116. Every fireplace or furnace constructed after the commencement of this Act, in order to be used within the limits of this Act in the working of engines, or in any mill, factory, dyehouse, brewery, bakehouse, gaswork, or in any manufactory whatsoever (although a steam engine be not used or employed therein), shall be so constructed as to consume the smoke arising from the combustibles used in such fireplace or furnace; and every such fireplace or furnace existing within the said limits at the date of the passing of this Act used for the purposes aforesaid, not so constructed as to consume the smoke arising from such fireplace or furnace, shall, within one year after the passing of this Act, be so altered in its construction as to consume such smoke; and if after such period any person use for the purposes aforesaid any fireplace or furnace not so constructed as aforesaid, or if at any time any person use any such fireplace or furnace constructed after the passing of this Act, and not so constructed as aforesaid, or so negligently use any such fireplace or furnace as not to consume the smoke arising from the combustibles used therein, every person so offending shall be liable to a penalty of ten pounds, and to a further penalty not exceeding forty shillings for every day during any part of which such furnace or fireplace shall be so used and continued, after one month's notice in writing shall have been given to the owner or occupier of such furnace or fireplace by the Commissioners to remedy or discontinue the use of the same.

Complaint before justices against parties in default.

117. In any cases where the Commissioners are by this Act, or by any byelaws hereunder, respectively or otherwise authorised to demolish or alter any house, building, or other erection, it shall be lawful for the Commissioners to cause to be made complaint before a justice of the peace of the matter in default or in respect of which such demolition or alteration is authorised, who shall thereupon issue a summons requiring the owner or occupier of the premises, or the builder or other persons in default or engaged in the works, to appear at a time and place to be stated in the summons to answer such complaint, and if at the time and place appointed in such summons the said complaint shall be proved to the satisfaction of the justice before whom the same shall be heard, such justice shall make an order in writing on such owner or occupier, builder, or person directing the demolition or alteration, as the case may be, of any such house, building, or erection, or so much thereof respectively as the case may require, within such time as such justice shall consider reasonable, and may also, if he shall think fit, make an order for the payment of the costs incurred by the Commissioners up to and inclusive of the time of hearing,

and in default of the house, building, or other erection being demolished or altered in the manner and within the time limited by and according to the exigency of the said order, the Commissioners may forthwith enter the premises to which the order relates, and demolish or alter the house, building, or erection complained of, and do whatever may be necessary to execute the said order, and may also remove the materials to a convenient place, and subsequently sell the same, as they shall think fit, and the amount of expenses incurred by the Commissioners in carrying into effect the said order, and in disposal of the said materials, shall be determined and settled by the surveyor, and may be recovered by the Commissioners from the owner or occupier of the said premises, or the builder or person engaged in the work, either by action at law, or in a summary manner before a justice of the peace, at the option of the said Commissioners, in the manner herein by this Act provided as to the recovery of penalties.

Repayment of expenses incurred by Commissioners.

118. In all cases where the Commissioners shall have incurred expenses for the repayment whereof the owner or occupier of the lands, houses, or other property for or in respect of which the same are incurred is made liable by the application of or agreement with the owner or occupier, or by this Act or any Act incorporated herewith respectively, and such expenses have been settled or apportioned by the surveyor as payable by such owner or occupier, such settlement and apportionment shall be binding and conclusive upon such owner or occupier, unless, within the expiration of one calendar month from the time of written notice being given by the Commissioners 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 object thereto, and state the particulars and grounds of his objection, and thereupon such respective amount shall be settled or apportioned by the justices or court before whom the same expenses are by this Act made recoverable.

Interest to be payable on such expenses.

119. Notwithstanding any such objection as in the last preceding section mentioned, the expenses therein referred to shall, if not paid within one month after demand thereof by the Commissioners, bear interest from the expiration of such month after the rate of five per centum per annum, and such interest shall be recoverable by the Commissioners with the same expenses and in like manner as they are hereby made recoverable.

Commissioners may cause work to be re-executed.

120. Whenever by this Act or any Act incorporated herewith respectively, or any byelaws hereunder respectively, or any notice or order of the Commissioners, any work, act, or thing is improperly

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or insufficiently done, the Commissioners may cause such work, act, or thing to be executed, re-executed, or done (as the case may require), and also, whenever any work, act, or thing is by this Act, or by any such byelaw, notice, or order as aforesaid, prohibited being done, and nevertheless is done, the Commissioners may remove, abate, or alter the work, act, or thing so done, and the expenses incurred by the Commissioners in any such case shall be settled by the surveyor, and be repaid to them by the person making default in the execution or doing of, or improperly or insufficiently or unlawfully executing or doing such work, act, or thing, as the case may be, notwithstanding any penalty may be imposed upon such person by the said Acts or any such byelaw.

Entry of Commissioners on lands and buildings.

121. The Commissioners, by their officers and servants, may, at all times between the hours of nine in the morning and four in the afternoon, from time to time enter upon any lands or buildings in progress of construction or alteration, or of making such examination as may be necessary to ascertain whether the provisions of this Act or of any byelaw hereunder respectively have been complied with, or whether anything prohibited by this Act or any such byelaw is being done or suffered, or of carrying into execution any of the powers contained in this Act or in any such byelaw, without being deemed trespassers, or liable to any action, indictment, or other proceeding on account thereof, and in case of any refusal to permit any such entry the provisions of this Act relating to obtaining an order of justices authorising entries on premises shall apply to the purposes of this section.

Occupier, in default of owner, may execute works.

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

Order of justices to authorise entry on lands.

123. In case it shall become necessary to enter, examine, or lay open any lands or premises within the limits of this Act, for the purpose of making plans, surveying, measuring, taking levels, examining works, ascertaining the course of or repairing sewers or drains, or ascertaining or fixing boundaries, and the owner or occupier of such lands or premises shall refuse to permit the same to be entered upon, examined, or laid open for the purposes aforesaid or

any of them, the Commissioners may, upon notice to such owner or occupier, apply to two justices for an order authorising the Commissioners or any of their officers to enter, examine, and lay open the said lands and premises for the purposes aforesaid or any of them, and if no sufficient cause shall be shown against the same the said justices may make an order authorising the same accordingly, and thereupon the Commissioners and their officers, and any person authorised by them, may, at all reasonable times between the hours of ten in the forenoon and four in the afternoon, enter, examine, and lay open the lands or premises mentioned in such order, for such of the purposes as shall be specified in the said order, without being subject to any action or molestation for so doing, and after such examination the Commissioners shall cause the ground to be restored, and shall also make compensation to the owners and occupiers thereof for the damage (if any) done to the said lands and premises so entered upon.

Commissioners not liable for expenses.

124. Whenever the Commissioners or their surveyor are by this Act, or any Act incorporated herewith respectively, or any byelaws hereunder respectively, authorised to execute, re-execute, or alter any work, act, or thing in default of the owner, occupier, or other person required to do such work, act, or thing, the Commissioners shall not be liable to pay any damages, penalties, costs, charges, or expenses for or in respect of or consequent upon the executing, re-executing, or altering such work, act, or thing, except damages arising from any wilful neglect or default by the Commissioners or their officers in or about the executing, re-executing, or altering of such work, act, or thing.

Minister, &c. to be exempt from rates.

125. No incumbent, minister, or trustee 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 expense under this Act of draining, levelling, paving, flagging, or channelling, metalling, or making good any street as the owner or occupier of such church, chapel, or place, or of any churchyard or burial ground attached thereto, situate within any street, 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, as to subject the same to distress, execution, or other legal process; and the Commissioners may, if they think fit, undertake any works from the expenses of which any such incumbent, minister, or trustee is hereby exempted, and defray the expenses thereof out of the general district rates: Provided that nothing in this section shall impose upon the corporation any liability from which they are now by law exempt.

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General rates to be applied in payment of expenses.

126. Whenever the Commissioners are by this Act, or any Act incorporated herewith respectively, or any byelaw heretunder respectively, authorised to execute, re-execute, or alter any work, act, or thing, in default of the owner, occupier, or other person required to do the same, and whenever the Commissioners execute any work upon the application of or by agreement with the owner of the lands, houses, or other property for or in respect of which the same are to be executed, the Commissioners may apply the general rates in or towards the executing, re-executing, or altering of such work, act, or thing, but this section shall not affect the liability of any such owner, occupier, or other person to repay the moneys expended by the Commissioners.

Orders to be published in newspapers.

127. Every order or notice of the Commissioners requiring any person or persons to execute any work or works which the Commissioners by this Act or otherwise are entitled to require to be executed by such person or persons may, if the Commissioners think fit, and unless otherwise expressly directed by this Act, be published once in two successive weeks in some newspaper circulating within the limits of this Act, and likewise be publicly posted in the street, building, land, or place in respect of which such work is required to be executed for three successive weeks, and the publication and posting thereof as aforesaid shall be sufficient notice to all owners, lessees, tenants, occupiers, and others interested in the matter referred to in such order or notice.

Settlement of disputes as to compensation, &c.

128. Where any compensation, damages, costs, charges, or expenses is or are by this Act directed to be paid, and the method of ascertaining the amount thereof is not provided for, such amount shall, in case of dispute, be ascertained and determined by two justices, not being Commissioners; and such justices may take the advice of any surveyor or architect, or other person skilled in the matter; and where the mode of recovery for any compensation, damages, costs, charges, or expenses is not provided for, the same shall be recovered before two justices not being Commissioners, and in either case any justice, upon the application of either party, may summon the other party and any witness to appear before two justices, at a time and place to be named in such summons; and on the appearance of the parties, or in the absence of either of them, on proof of due service of the summons, such two justices shall hear and determine the matter, and shall award such sum, and make such order as to the matter in dispute, or otherwise, as they think just; and if the amount awarded or ordered by them to be paid is not paid by the person liable to pay the same within fourteen

days after demand, such amount may be recovered by distress and sale of the goods and chattels of such person; and such justices, or either of them, or any other justice, may issue his warrant accordingly, or the amount may be recovered in any court of competent jurisdiction.

Amendment of power to levy rates.

129. Section two hundred and seventeen of the Improvement Act of 1843 (relating to power to levy rates) shall be amended as follows; namely,

(1.) The sum of five shillings in the pound shall be substituted in that section for the sum of three shillings and sixpence in the pound as the maximum annual rate:

(2.) The reduction of rating or assessment contained in the proviso to that section in favour of arable and other kinds of land therein mentioned shall extend to land used only as a railway constructed under the powers of any Act of Parliament for public conveyance, with this modification, (namely,) that as regards land so used that proviso shall have effect as if one fourth part were therein mentioned instead of one third part.

Power to borrow on security of rates, &c.

130. The Commissioners may from time to time, for defraying the expenses of the execution by them of this Act, in addition to any mortgage debt existing at the commencement of this Act, borrow at interest on the security of the rates leviable by the Commissioners, and of the property for the time being vested in them under the Improvement Act of 1843, or this Act, or on either of those securities separately, any sums not exceeding in the whole one hundred and eighty thousand pounds, and may mortgage their rates and property to secure repayment thereof, with interest, accordingly.

Power to Public Works Loan Commissioners to lend money.

131. The Public Works Loan Commissioners may advance to the Commissioners, on the security of the Improvement Rate, without any further security, such sums of money as the Public Works Loan Commissioners think fit, to be applied by the Commissioners in carrying into effect the purposes of this Act.

Form of mortgages, &c.

132. Sections fifty-nine to seventy-one (inclusive) of the Improvement Act of 1843 (relating to the form of mortgages and other matters connected with borrowing) shall apply to all borrowing under this Act, save that the provision in section sixty-four respecting the priority of annuities shall not apply to annuities granted under this Act, and in lieu thereof section sixty (relating to equality of mortgages) shall extend to annuities as if they were mortgages.

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Power to raise money on annuities.

133. Section sixty-one of the Improvement Act of 1843, as applied by this Act, shall extend to authorise the granting of annuities for terms of years, not exceeding in any case fifty years.

Lenders not to be required to look to application of moneys.

134. Any person lending money to the Commissioners shall not be bound to inquire as to the application or be answerable for any loss or misapplication of such money or any part thereof.

Saving for existing charges.

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

Creation of sinking fund.

136. In order to discharge the principal money borrowed under this Act (otherwise than on annuities), the Commissioners shall, every year from the expiration of five years after the commencement of this Act, appropriate out of the rates levied by them a sum equal at the least to one seventieth part of the amount originally borrowed under this Act on the security of those rates, for a sinking fund, to be from time to time invested in the purchase of Exchequer bills or other government securities, and to be increased by accumulation in the way of compound interest or otherwise until the same is of sufficient amount to pay off the principal money borrowed, or some part thereof which the Commissioners think ought then to be paid off, at which time the same shall be so applied for paying off the same.

All moneys to be applied to the purposes for which borrowed.

137. All moneys borrowed under the powers of this Act shall be applied in payment of the expenses of applying for and obtaining this Act, and the expenses incidental thereto, and in carrying into execution the several works authorised by this Act.

Re-borrowing.

138. The Commissioners may from time to time reborrow any amount under the provisions of this Act, and from time to time paid off by them respectively, unless it be paid off by means of annual instalments or the sinking fund, in which case, and to the extent of the amount paid off by means of annual instalments or the sinking fund, then powers for borrowing and reborrowing shall cease.

Arrears may be enforced by appointment of a receiver.

139. The mortgagees or annuitants (as the case may be) of the Commissioners, under the provisions of this Act or the Improvement Act of 1843, may enforce the payment of arrears of interest or principal, or principal and interest, due to them, by the appointment of a receiver; and the amount of principal, or principal and interest, in arrear which shall authorise the appointment of a receiver shall be one thousand pounds.

Forms in schedule authorised.

140. The forms given in the Second Schedule to this Act may be used for or in respect of the purposes therein indicated, with such variations and additions as circumstances may require.

Power for transfer to municipal corporation of powers, &c. of Commissioners.

141. Sections two and three of the Act of the session of Parliament of the twentieth and twenty-first years of the reign of Her present Majesty (chapter fifty), "to amend the Acts concerning municipal corporations in England," (relating to transfer to municipal corporations of powers, rights, liabilities, and property of trustees under Local Acts,) shall extend and apply to the Commissioners and to the municipal borough of Northampton, and the Commissioners shall be deemed trustees within those sections.

Saving for general rights of Commissioners.

142. Except as in this Act expressly provided, nothing in this Act shall take away or abridge any right, power, authority, privilege, exemption, or benefit which the Commissioners have or may enjoy under the Improvement Act of 1843, or otherwise, independently of this Act.

Copies of Act, with index, to be kept and sold.

143. The Commissioners shall cause copies of this Act and of the Improvement Act of 1843, with an index to the contents thereof in each copy, to be printed, and to be at all times after the expiration of one month from the commencement of this Act kept in the office of the clerk to the Commissioners, open to inspection of any person on payment of a fee not exceeding one shilling, and to be at all times as aforesaid sold at that office to all persons applying for the same at a price not exceeding two shillings and sixpence; and if at any time the Commissioners fail to comply with the requisitions of this section they shall be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding one pound for every day during which such failure continues.

Expenses of Act.

144. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Commissioners.

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SCHEDULES.

THE FIRST SCHEDULE.

Parts of the Improvement Act of 1843 repealed.

Number of Section.	Marginal Note of Section.
Seventy-nine.	**Power to purchase lands.**
Eighty.	Parties under disabilities enabled to sell and convey.
Eighty-one.	Parties under disabilities to exercise other powers.
Eighty-two.	Consideration to be a gross sum.
Eighty-three.	Acceptance of compensation for price or damage.
Eighty-four.	Amount of compensation to be ascertained by valuation in case of parties under disability.
Eighty-five.	Form of conveyance.
Eighty-six.	Costs of conveyance.
Eighty-seven.	Purchase money payable to parties under disability amounting to £200 to be deposited in Bank of England.
	Application of moneys deposited.
Eighty-eight.	Order of application.
Eighty-nine.	Sums from £20 to £200 to be deposited or vested in trustees.
Ninety.	Sums not exceeding £20 to be paid to parties.
Ninety-one.	Court of Chancery may direct investment or payment of money in respect of leases for lives, years, &c., or reversions, as they may think just.
Ninety-two.	Party in possession deemed to be the owner.
Ninety-three.	Costs in cases of money deposited.
Ninety-four.	Payment of price to be made previous to entry, except to survey, &c.
Ninety-five.	Tenements not wanted to be sold.
Ninety-six.	Effect of the word grant in conveyances.
One hundred and forty-four.	Regulations respecting party walls.
One hundred and forty-five.	Further building regulations.
One hundred and forty-nine.	Commissioners may order necessary houses to be provided.

THE SECOND SCHEDULE.

Forms.

Authority from Commissioners.

The Northampton Improvement Act, 1871.

The Northampton Improvement Commissioners hereby authorise you [*here specify the act authorised*], for doing which this shall be your warrant.

Dated this day of 18 .

Surveyor.

To

Notice for Execution of Works.

The Northampton Improvement Act, 1871.

The Northampton Improvement Commissioners hereby give you notice, that you are ordered and required, on or before the day of 18 , to execute and do the works and things hereunder specified, and in case of your default in the premises the Commissioners will, without further notice, execute the said works, and charge you with the expenses thereof.

Dated this day of 18 .

Borough Surveyor.

To

of

[*Here specify works required.*]

The Northampton Improvement Act, 1871.

Whereas the street called Street, within the borough of Northampton, not being a highway repairable by the inhabitants at large, is not sufficiently drained, levelled, paved, flagged, channelled, metalled, and made good, to the satisfaction of the Northampton Improvement Commissioners:

The Commissioners do therefore hereby give you notice to drain, level, pave, flag, and channel, metal, and make good, in the manner specified in the specification hereunder set forth, so much of the said street as the premises belonging to you and each of you severally and respectively front, adjoin, or abut upon, within [*state the time*] from the service hereof:

And further, that a plan and section showing the particulars of the said works are deposited at the office of the borough surveyor within the Town Hall in the said borough, for inspection, and the same can be inspected on any day (Sunday excepted) between the hours of nine o'clock in the morning and six o'clock in the evening; and the borough surveyor, upon application, will give such further information as may be needed or you may require. And further, that in case of your default in the premises the Commissioners will, without further notice, execute the said works, and charge you with the expenses thereof.

Dated this day of 18 .

Borough Surveyor.

A.D. 1871.

Notice of Intention of Commissioners to execute Works, &c.

The Northampton Improvement Act, 1871.

The Northampton Improvement Commissioners hereby give you notice, that they intend to execute and do the works and things hereunder specified.

Dated this day of 18 .

To of

Borough Surveyor.

[*Here specify the works.*]

The Northampton Improvement Act, 1871.

The Northampton Improvement Commissioners hereby give notice, that it is their intention to make a general rate at a meeting of the Commissioners to be held at the Town Hall on the day of 18 , at o'clock in the noon, and that a statement of the proposed rate is deposited for inspection by the ratepayers at the collector's office in the Town Hall.

Dated this day of 18 .

A.B., Clerk.

Town Hall, Northampton.

The Northampton Improvement Act, 1871.

Notice is hereby given, that it is the intention of the Northampton Improvement Commissioners to construct certain sewers and works in connexion therewith, mentioned in the schedule hereto, and that the plan and sections of the said intended sewers and works are deposited at the surveyor's office in the Town Hall within the said borough, where the same will be open daily (Sundays excepted), between the hours of ten o'clock in the morning and six o'clock in the afternoon, during the twenty-eight days from the date hereof, for the inspection of all persons interested.

And further, that a meeting of the committee will be held in the committee-room at the Town Hall, on the day of 18 , at o'clock in the noon, to hear and consider any objections.

Form of Order for sewering, paving, &c.

The Northampton Improvement Act, 1871.

[ ] day of [ ] 18 .

It is resolved and ordered by the Commissioners, that on or before the day of 18 the following streets [*A* Street] [*B* Street] * be freed from obstruction, sewered, drained, levelled, flagged, paved [*or* macadamised], and otherwise completed,* at such levels, with such inclinations, and with such sewers and drains, of such dimen-

sions as are shown on the plans and sections deposited in the office of the borough surveyor, and with the materials and in the manner herein-after specified; namely,—

[*Here specify nature of materials, &c.*]

Clerk.

* If the order is for sewering, draining, and levelling only, omit the words between the asterisks **, and insert instead thereof the following; namely, "be sewered, drained, and levelled."

Form of Order as to Underground Dwellings.

The Northampton Improvement Act, 1871.

The Northampton Improvement Commissioners hereby give you notice, that they order and require that the occupation as a separate dwelling of the cellar [*or* vault, *or* underground room,] herein-under specified be from the expiration of *one* calendar month from the service hereof on you discontinued.

Dated this day of 18 .

Clerk.

To *X.Y.*, of

[*Here specify cellar, &c.*]

Town Hall, Northampton.

Form of Warrant of Authority from Justice.

The Northampton Improvement Act, 1871.

I, *C.D.*, one of Her Majesty's Justices of the Peace acting in and for the petty sessional division of in the county of Northampton [*or* for the borough of Northampton], hereby authorise you [*here specify the act authorised*], for doing which this shall be your warrant.

Dated this day of 18 .

C.D.

To *L.M.* [Constable, *&c.*]

Form of Declaration of Highway.

The Northampton Improvement Act, 1871.

day of 18 .

It is resolved and declared by the Northampton Improvement Commissioners that the following street, namely, [*A* Street] is a public highway.

Clerk.

Town Hall, Northampton.

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