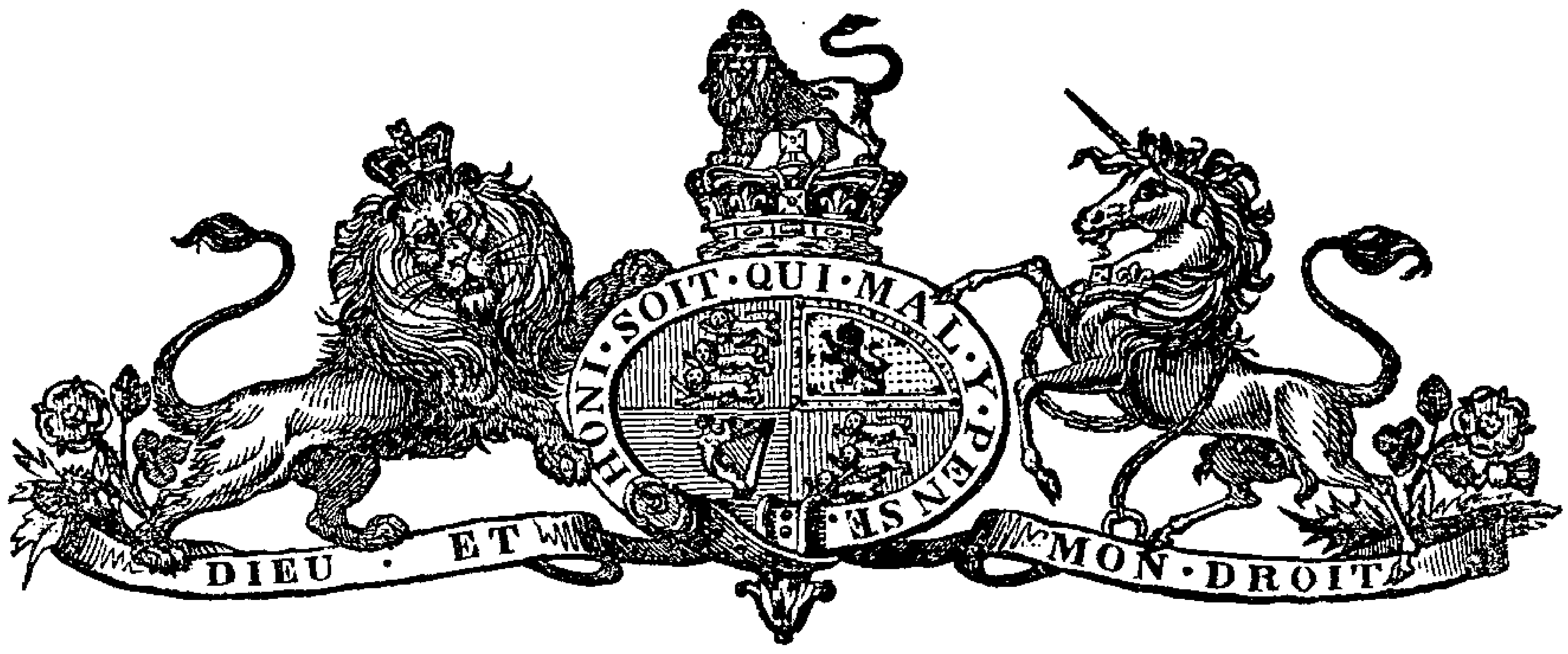


ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. ccxx.

An Act for the Improvement of the Town of *Rochdale*, and for providing a Cemetery there, and for other Purposes, and of which the Short Title is "The *Rochdale* Improvement Act, 1853." [20th *August* 1853.]

WHEREAS an Act was passed in the Eighth Year of Her present Majesty, intituled *An Act for better lighting, paving, cleansing, watching, regulating, and improving the Town of* Rochdale *and the Environs thereof in the County Palatine of* Lancaster: And whereas the Commissioners appointed under the recited Act (in this Act called the existing Commissioners) have proceeded to put that Act into execution: And whereas under the recited Act the existing Commissioners have purchased and acquired Gasworks and other Property: And whereas the existing Commissioners are entitled to Lands, Parts whereof are subject to Chief Rents, and other Parts whereof are Leasehold: And whereas under the recited Act the existing Commissioners are indebted on Mortgages of Rates or Rents by that Act authorized in the Sum of Thirty-nine thousand one hundred and twenty-five Pounds or thereabouts, including Two thousand Pounds to which by Section

7 & 8 Vict. c. civ.

Seventy-two of that Act Priority is given over Mortgages under that Act: And whereas the Powers and Provisions of the recited Act are insufficient, and it is expedient that further Provision be made for the Election of Commissioners, the widening, paving, and altering of Streets, the cleansing of the River *Roche*, the Drainage and general Improvement of the Town, the Extension of the Limits for the Supply of Gas for private Consumption, the Formation of a Cemetery for the Burial of the Dead, and the other Purposes for which Provision is made by this Act: And whereas, in order to avoid Inconveniences arising from several Private Acts relating to the same Purposes being in force at the same Time, it is expedient that the recited Act be repealed, and that some of the Powers and Provisions thereof be amended and re-enacted or continued by this Act: And whereas such several Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. That this Act may be cited for any Purpose as "The *Rochdale* Improvement Act, 1853."

Commencement of Act.

II. That this Act shall commence and have effect on and from the Second *Wednesday* next after the passing thereof.

Limits of Act.

III. That this Act shall for all Purposes not by this Act otherwise expressly provided for be put in force within the following Limits; (to wit,) all Places within a Circle of a Radius of Three Quarters of a Mile measured from a central Point very near to the South-east Corner of an Archway or Road leading from the old Market Place to the *Roebuck* Inn in *Rochdale*, being on the Boundary Line which separates certain Buildings situate on the Westerly Side of that old Market Place respectively belonging to *John Fenton* and *James Fenton* and *James Leach* respectively, and being distant Sixty Yards and Two Feet in a direct Line from the Centre of the Westerly Pier of the *Rochdale* old Bridge, and Sixty-one Yards and Two Feet in a direct Line from the Centre of the Easterly Centre Pier of that Bridge, and which Limits are in this Act called "the Town."

Limits of Act for Supply of Gas.

IV. Provided always, That with respect to the Supply of Gas for private Consumption this Act shall be put in force within the following Limits; (to wit,) all Places within a Circle of a Radius of Four Miles measured from the central Point before mentioned.

V. Pro-

Certain Places excepted from Supply of Gas.

V. Provided always, That the Limits for the Supply of Gas for private Consumption shall not include any Place within the Township of *Pilsworth* in the Parish of *Middleton*, or any Place within any of the Townships of *Ashworth*, *Hopwood*, *Birtle-cum-Bamford*, *Bamford*, *Heap*, and *Castleton*, in the several Parishes of *Middleton*, *Bury*, and *Rochdale*, and situate within the Distance of One and a Half Miles measured in a straight Line in every Direction from the Centre of the Bridge in *Heywood* leading over the Brook or Stream called *Wrigley Brook*.

Limits of Act for Cemetery.

VI. Provided always, That with respect to the Cemetery this Act shall be put in force within the Town, and also within the Lands by this Act authorized to be taken and used for the Purpose of the Cemetery.

Same Meanings to Words, &c. in incorporated Acts and this Act.

VII. That the several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction: Provided always, that any Proceedings that may under those Acts be taken in the "Superior Courts" may be taken in any Court of competent Jurisdiction.

Recited Act repealed.

VIII. That on and from the Commencement of this Act the recited Act is by this Act repealed.

10 & 11 Vict. c. 16. incorporated.

IX. That "The Commissioners Clauses Act, 1847," except Section XLIII. thereof, is incorporated with this Act.

Rochdale Commissioners incorporated for Execution of Act.

X. That the Commissioners for executing this Act (in this Act called the Commissioners) shall be called "The *Rochdale* Improvement Commissioners," and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes but subject to the Restrictions of this Act, and to put this Act in all respects into execution.

First Commissioners.

XI. That the Persons who at the Time of the Commencement of this Act are the existing Commissioners shall be Commissioners for executing this Act until the last *Wednesday* in the Month of *April* One thousand eight hundred and fifty-four, on which Day they shall retire from Office, and Forty-two Commissioners shall be elected, the retiring Commissioners being, if qualified, re-eligible.

First Meeting of Commissioners.

XII. That the Commissioners shall hold their First Meeting at the Commissioners Rooms in the Town on the First *Wednesday* after the Commencement of this Act.

XIII. That

Qualification of Commissioners.

XIII. That (except as by this Act otherwise provided) the Qualification for a Commissioner shall be his being of full Age, and the Owner or Occupier of any Tenement within the Town which was rated in the then last Rate, such last Rate being either a Rate for Lighting and General Purposes under the recited Act, or a Rate for General Purposes under this Act, on a net yearly Value of Twenty Pounds or upwards: Provided always, that in case both Owner and Occupier of the same Tenement be elected Commissioners at the same Election, that Tenement shall for that Election qualify only the Owner.

Commissioner not incapable of acting as a Justice.

XIV. That a Person shall not be incapable of acting as a Justice of the Peace in the Execution of this Act, with reference to any of the Purposes thereof, by reason of his being a Commissioner, or being liable to any Rate or Charge under this Act.

Division of Town into Wards.

XV. That for the Election of Commissioners the Town shall be divided into Three Wards, as follows:

1. *Castleton* Ward, comprising the Part within the Town of the Township of *Castleton*:
2. *Spotland* Ward, comprising the Part within the Town of the Township of *Spotland*:
3. *Wardleworth* Ward, comprising the Parts within the Town of the Township of *Wardleworth* and the Hamlet of *Weurdle* respectively.

Number of Commissioners for Wards.

XVI. That the Number of the Commissioners shall be Forty-two, and they shall be elected for the Wards as follows:

Fifteen for *Castleton* Ward:
Nine for *Spotland* Ward:
Eighteen for *Wardleworth* Ward.

Retirement of Commissioners in Rotation.

XVII. That on the last *Wednesday* in the Month of *April* One thousand eight hundred and fifty-five, and on the last *Wednesday* in the Month of *April* in every subsequent Year, Five of the Commissioners for *Castleton* Ward, Three of the Commissioners for *Spotland* Ward, and Six of the Commissioners for *Wardleworth* Ward, shall go out of Office, and the Commissioners to go out of Office for each Ward in the Years One thousand eight hundred and fifty-five, One thousand eight hundred and fifty-six, and One thousand eight hundred and fifty-seven respectively shall be determined by Ballot, and the Commissioners who shall go out of Office in every subsequent Year shall be those who have then been longest in Office for such Ward, and the Rotation List shall be made accordingly, and in every Instance the Places of the retiring Commissioners shall be supplied by the Election as by this Act provided of other Commissioners.

XVIII. That

Mode of supplying occasional Vacancies.

XVIII. That if any of the Commissioners die or resign or be disqualified, or cease to be a Commissioner from any other Cause than that of going out of Office by Rotation, the remaining Commissioners may, if they think fit, at any Time before the then next yearly Day for the Election of a Commissioner in his Place, elect another Commissioner in his Place, and every Commissioner so elected shall continue in Office only so long as the Person in whose Place he is elected would have been entitled to continue in Office.

Election of Commissioners.

XIX. That the Election of Commissioners shall take place on the last *Wednesday* in the Month of *April* One thousand eight hundred and fifty-four, and on the last *Wednesday* in the Month of *April* in every subsequent Year.

Chief Constable to appoint Returning Officers.

XX. That the Chief Constable of *Rochdale* shall, Twenty-one Days before the Day for any Election of Commissioners, by Writing under his Hand delivered to or left at the Office of the Clerk to the Commissioners, appoint One qualified Person to be in every Ward the Returning Officer to preside at the Election for that Ward.

For supplying Vacancies in Returning Officers.

XXI. That in every Case of the Death, Disqualification, or Failure to act in that Behalf of any Person so appointed, the Chief Constable shall, by Writing under his Hand, delivered to or left at the Office of such Clerk, appoint One other qualified Person to be the Returning Officer in the Place of the Person so first appointed.

Chief Constable may be a Returning Officer.

XXII. Provided always, That the Chief Constable may be the Returning Officer for One of the Wards.

Provision in case of Failure to act of Chief Constable.

XXIII. That in every Case of the Death, Disqualification, or Failure to act of the Chief Constable, the Commissioners shall forthwith meet, and appoint a fit Person to act in his Stead during such Disqualification or Failure, or while the Office of Chief Constable is vacant; and every Person so appointed shall during his Appointment be deemed for the Purposes of this Act the Chief Constable.

Qualification of Returning Officers.

XXIV. That the Qualification for a Returning Officer, other than the Chief Constable, or a Person so appointed to act in his Stead, shall be his being qualified to vote at the Election for the Ward for which he is the Returning Officer.

Scrutineers to be appointed.

XXV. That in the Month of *November* One thousand eight hundred and fifty-three, and in the Month of *November* in every subsequent Year, the Commissioners shall appoint Two Persons for every Ward, being respectively qualified to vote at the Election for that Ward, to be Scrutineers at every such Election during their respective Year of Office; and in every Case of the Death, Disqualification, or

Failure to act of any Scrutineer the Commissioners shall forthwith meet, and appoint a fit qualified Person to be the Scrutineer in his Stead during the then current Year of Office.

As to Qualification of Returning Officer or Scrutineer.

XXVI. Provided always, That a Person disqualified by Interest for being a Commissioner shall not be a Returning Officer or a Scrutineer: Provided also, that a Person being a Returning Officer or a Scrutineer for any Ward shall not be nominated for or elected a Commissioner for that Ward.

Nomination of Commissioners.

XXVII. That any Person qualified to vote at the Election of Commissioners in any Ward may at any Time, not later than Six o'Clock in the Evening on the *Monday* next preceding the Day of Election, deliver to the Returning Officer for such Ward, and to the Clerk to the Commissioners, duplicate Nomination Papers of any Person or Persons for the Office of Commissioner, being respectively qualified, and not exceeding the Number of Commissioners to be elected for such Ward, and every such Nomination Paper shall contain the Names of the Persons nominated, with their respective Places of Abode, and shall be signed by the Person nominating, with his Place of Abode; and every such duplicate Nomination Paper delivered to the Clerk may be inspected, without Fee, at all reasonable Times, by any Person qualified to vote in such Ward, and Copies thereof may be had, on Payment of Sixpence for every One hundred Words; and the Clerk shall be liable to a Penalty of Ten Pounds for every Refusal by him to permit such Inspection or to furnish any such Copy.

Examination of Nomination Papers.

XXVIII. That at Eight o'Clock on the Morning of the Day for Election the Returning Officer and Scrutineers for every Ward shall meet in such Ward, at a Place fixed by the Returning Officer, and shall there examine the Nomination Papers delivered to him, and if the Number of qualified Persons so proposed do not exceed the Number of Commissioners to be then elected for such Ward he shall declare such Persons duly elected, but if the Number of qualified Persons so nominated exceed the Number of Commissioners to be then elected for such Ward, such Election shall be decided by Vote, and the voting shall begin at Nine o'Clock in the Forenoon and close at Four o'Clock in the Afternoon of such Day.

Qualification of Owners as Electors.

XXIX. That every Male Person of full Age, being Owner of any Tenement within the Town in respect whereof either the Owner or the Occupier for the Time being was rated in all the Rates made within the Twelve Months next before the Day of Election, such Rates respectively being either Rates for Lighting and General Purposes under the recited Act, or Rates for General Purposes under this Act, may vote in the Election of Commissioners.

XXX. Pro-

Disqualification of Owner by Nonpayment of Rates.

XXX. Provided always, That where the Owner is so rated then he shall not be entitled to vote unless all Rates under the recited Act and this Act respectively which on the First Day of *February* next before the Day of Election were due from him in respect of such Tenement be paid on or before the First Day of *April* next before the Day of Election.

Qualification of Occupiers as Electors.

XXXI. That every Male Person of full Age, being Occupier of any Tenement within the Town in respect whereof such Occupier was rated or named as Occupier in all the Rates made within the Twelve Months next before the Day of Election, such Rates respectively being either Rates for Lighting and General Purposes under the recited Act, or Rates for General Purposes under this Act, may vote in the Election of Commissioners: Provided always, that such Tenement need not be the same Tenement, but several Tenements occupied in succession by the same Person shall for the Purposes of this Enactment be deemed One Tenement.

Disqualification of Occupiers by Nonpayment of Rates.

XXXII. Provided always, That when either the Owner or the Occupier is so rated, then, except as by this Act otherwise provided, the Occupier shall not be entitled to vote unless all Rates under the recited Act and this Act respectively which on the First Day of *February* next before the Day of Election were due, either from the Owner or from the Occupier, in respect of the Tenement, be paid on or before the First Day of *April* next before the Day of Election.

Occupier may pay Rates, and vote.

XXXIII. Provided always, That where the Owner is so rated, and does not on or before such First Day of *April* pay all such Rates so due from him on such First Day of *February*, the Occupier may, at any Time on or before the Fifteenth Day of *April* next before the Day of Election, pay the Rates so due from the Owner, and shall thereupon be entitled to vote as if such Rates had been paid on or before such First Day of *April*; and every Occupier so paying any such Rate may deduct and retain the Amount so paid out of the Rent thereafter becoming due to the Owner in respect of his Occupation of the Tenement.

Examination of Votes.

XXXIV. That after the closing of the voting the Returning Officer and Scrutineers, in the Presence of such of the Electors as chose to be present, shall ascertain and put down in Writing the Number of Votes for every Person, and the Persons who have the greatest Number of Votes shall, to the Extent of the Number of Commissioners to be then elected, be Commissioners; and in the Case of an Equality of Votes for any Two or more such Persons, the Returning Officer shall, if necessary, to prevent an Excess in the

Number

Number of Commissioners, decide by Lot among the Persons having the Equality of Votes which of them are to be elected.

Votes by Persons not qualified.

XXXV. That if at any Election any Person not qualified to vote have voted thereat, the Returning Officer and Scrutineers shall reject the Vote of such Person.

Scale of voting.

XXXVI. That the Scale on which Occupiers as well as Owners shall be entitled to Votes shall be the Scale prescribed by Section XXIV of the "Commissioners Clauses Act, 1847."

Scale of voting for joint Owners and joint Occupiers.

XXXVII. That where Two or more Persons claim Votes as joint Owners of One Tenement, or as joint Occupiers of One Tenement, the rateable Value of the Tenement shall be divided by the Number of such Persons, and the Quotient shall, with respect to every such Person, be deemed the rateable Value of the Tenement, and he shall be entitled to a Vote or Votes in respect thereof accordingly.

Owners and Occupiers may claim to be rated.

XXXVIII. That for the Election of Commissioners under this Act every Person, being the Owner or Occupier of any Tenement within the Town, may from Time to Time, by Notice in Writing left at the Office of the Commissioners, claim to be rated in the Rate as such Owner or as such Occupier in respect of such Tenement, and the Commissioners shall enter the Name of such Person on the Rate for the Time being accordingly: Provided always, that if they fail so to do such Person shall nevertheless be entitled to vote as if he had been so rated.

Annual Meetings of Commissioners.

XXXIX. That the Annual General Meetings of the Commissioners shall be held on the First *Wednesday* in the Month of *May* in every Year.

No tice of extraordinary Business at monthly Meetings.

XL. That where any Business, other than ordinary Business, is intended to be transacted, and where any new Rule or Regulation is intended to be adopted at any monthly Meeting of the Commissioners, due Notice thereof shall be given at a prior Meeting, or previous Notice in Writing thereof shall be given by the Clerk, by sending the same to every Commissioner in the Manner required for Special Meetings.

Commissioners in certain Cases not to vote.

XLI. That any Person, being the Owner or Occupier of any Tenement within or adjoining or within Fifty Yards of any Street proposed to be declared under this Act a Highway, or being the Owner of any chief or other Rent issuing out of any such Tenement, shall not vote at any Meeting of the Commissioners touching the declaring

declaring of such Street to be a Highway, or touching the first paving, repairing, or sewering of the same or any Part thereof.

Qualification of Auditor.

XLII. Provided always, That when a Person not resident in the Town is appointed an Auditor, it shall not be necessary for him to have the like Qualification, and he shall not be subject to the like Disqualification or Disability, as the Commissioners.

All Monies to be paid to Treasurer.

XLIII. That all Monies from Time to Time raised and collected by Order of the Commissioners, or borrowed on Mortgage, or otherwise payable to the Commissioners under this Act, shall be paid to their Treasurer; and the Treasurer shall not make any Payment on account of the Commissioners without a General or Special Order of the Commissioners, in Writing, signed by the Chairman of the Meeting at which the Order was made, or without a Special Order of a Committee of the Commissioners, in Writing, signed by the Chairman of the Meeting of the Committee at which the Order was made.

For recovering Books from Executors or Assignees of Officers dying, &c.

XLIV. That in case of the Death, Bankruptcy, or Insolvency of any Officer of the Commissioners before he have delivered up all Books, Papers, and Writings, Property and Effects, relating to the Execution of this Act, or belonging to the Commissioners, in his Possession or Power, then his Executors or Administrators, or the Assignee of his Estate and Effects, or other Person having the Custody thereof, shall deliver up to the Commissioners, or to any Person appointed by them, all such Books, Property, and Effects; and in case of the Non-delivery thereof for Ten Days after Demand of the same, the Commissioners may, by Action or other Proceeding in any Court of competent Jurisdiction against such Executor, Administrator, Assignee, or other Person, recover such Books, Papers, or Writings, Property and Effects, or Damages as a Satisfaction for the same, with full Costs of Suit.

Commissioners to remain entitled to certain Property

XLV. That, notwithstanding the Repeal of the recited Act, but subject to the Provisions of this Act, the Commissioners shall, on and from the Commencement of this Act, be seised and possessed of and entitled to all the Gasworks, Gasometers, Retorts, Mains, Pipes, Works, and Conveniences, Lands, Buildings, Estates, Rights, Interests, Monies, Property, Effects, Chattels, Choses in Action, Claims and Demands whatsoever, of or to which the existing Commissioners, under or by virtue of the recited Act or otherwise howsoever, were immediately before the Commencement of this Act seised, possessed, or in any way entitled, at Law or in Equity, or otherwise howsoever, with the Appurtenances, as if this Act were not passed.

Commissioners to continue entitled to Powers under other Acts.

XLVI. That, notwithstanding the Repeal of the recited Act, but subject to the Provisions of this Act, the several Clauses and Provisions whatsoever in favour of the existing Commissioners contained in any Act or Acts other than the recited Act, and which immediately before the Commencement of this Act are in force, shall, on and from the Commencement of this Act, apply to the Commissioners, and shall for the Purposes of this Act continue and be in force accordingly; and the Commissioners, by themselves, their Officers and Servants, may and shall accordingly, and for the Purposes of this Act, be entitled to, and have, exercise, and enjoy, under or by virtue of those Clauses and Provisions respectively, all such Rights, Interests, Powers, Authorities, and Privileges whatsoever as in case this Act were not passed the existing Commissioners, by themselves, their Officers and Servants, under or by virtue of the same, might be entitled to, or might have, exercise, or enjoy.

Conveyances, &c. to remain.

XLVII. That, notwithstanding the Repeal of the recited Act, all Conveyances, Leases, Deeds, Appointments, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities made or entered into before the Commencement of this Act to, with, in favour of, or by, for, or on behalf of the existing Commissioners, or any Person on their Behalf, shall be and remain as good, valid, and effectual in favour of, against, and with reference to the Commissioners, and may be proceeded on and enforced in like Manner to all Intents and Purposes as if this Act were not passed.

Actions, &c. not to abate.

XLVIII. That, notwithstanding the Repeal of the recited Act, any Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the existing Commissioners before the Commencement of this Act shall not abate or be discontinued or prejudicially affected by this Act, but, on the contrary, shall continue to take effect, both in favour of and against the Commissioners, in like Manner to all Intents and Purposes as if this Act were not passed.

Rates due at Commencement of Act to be recoverable.

XLIX. That, notwithstanding the Repeal of the recited Act, all Gas and other Rates which immediately before the Commencement of this Act are due and payable or accruing due and payable to the existing Commissioners shall from and after the Commencement of this Act be payable to and may be collected and recovered by the Commissioners, in like Manner as any Rates under this Act may be collected and recovered by the Commissioners.

Debts due to and by the existing Commission-

L. That, notwithstanding the Repeal of the recited Act, all Persons who immediately before the Commencement of this Act owe any Sum of Money to the existing Commissioners, or to any Person on their

their Behalf, shall pay the same, with all Interest, if any, due or to accrue due for the same, to the Commissioners; and all Debts and Monies which immediately before the Commencement of this Act are due or owing by or recoverable from the existing Commissioners, or for the Payment whereof the existing Commissioners are or but for this Act would be liable, shall be paid, with all Interest (if any) due or to accrue due thereon, by or be recoverable from the Commissioners.

ers to be paid to and by the Commissioners.

LI. That, notwithstanding the Repeal of the recited Act, all Rules, Regulations, Byelaws, and Orders made under the recited Act, and in force on the Commencement of this Act, shall continue in full Force for Six Months after the Commencement of this Act, unless the same be sooner repealed, altered, or varied under this Act; and such Regulations, Rules, Byelaws, and Orders, and all Penalties and Forfeitures thereby respectively imposed, and all Penalties and Forfeitures incurred under the recited Act, may and shall be enforced, recovered, and applied in like Manner in all respects as the same respectively might be enforced, recovered, and applied in case the same had been made and imposed respectively by or under this Act.

Byelaws, &c. to remain in force.

LII. That, notwithstanding the Repeal of the recited Act, every Officer and Servant appointed by virtue of or acting under the recited Act shall hold and enjoy his Office and Employment, with the Salary thereunto annexed, and be deemed an Officer and Servant of the Commissioners, until he be removed from such Office and Employment, and he shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Byelaws, Terms, and Penalties, in all respects whatsoever, as if he were appointed under this Act.

Officers to continue.

LIII. That, notwithstanding the Repeal of the recited Act, all Books and other Documents by that Act directed or authorized to be kept, and which if that Act were not repealed would be receivable in Evidence, shall be admitted as Evidence in all Courts of Law and Equity and elsewhere accordingly.

Books to be Evidence.

LIV. That "The Lands Clauses Consolidation Act, 1845," is incorporated with this Act.

8 & 9 Vict. c. 18. incorporated with this Act.

LV. And whereas Plans and Sections showing the Lines and Levels of the intended Alterations, Widenings, and Improvements of Streets within the Town, and also a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of the Lands in or through which such Alterations,

Power to take Lands for Improvements, &c. according to deposited Plans.

Alterations, Widenings, and Improvements are intended to be made or to pass, have been deposited at the Office of the Clerk of the Peace for the County of *Lancaster:* Therefore, subject to the Provisions of this Act, the Commissioners may, for the Purposes of such Alterations, Widenings, and Improvements, enter upon, take, and use such of the Lands and Houses delineated on those Plans and referred to in that Book of Reference as they think necessary.

Errors and Omissions in Plans, &c. may be corrected by Justices, who shall certify the same.

LVI. That if any Omission, Mis-statement, or wrong Description have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on those Plans or in that Book of Reference, the Commissioners, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands affected by the proposed Correction, may apply to Two Justices for the Correction thereof, and if it appear to such Justices that such Omission, Mis-statement, or wrong Description arose from Mistake, they shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission, Mis-statement, or wrong Description; and such Certificate shall be deposited with the Clerk of the Peace for the County of *Lancaster*, and be kept by such Clerk of the Peace with the other Documents to which it relates, and thereupon such Plans or Book of Reference shall be deemed to be corrected according to such Certificate, and the Plans or Book of Reference so corrected shall thenceforth be deemed the Plans or Book of Reference deposited for the Purposes of this Act.

Certificate to be deposited.

Power to take Lands in Schedule (A.) for Cemetery.

LVII. That the Commissioners shall purchase and take for the Purposes of the Cemetery such Part as they think fit of the Lands described in the Schedule (A.) to this Act annexed.

Limiting Period for compulsory Purchase of Lands.

LVIII. That the Powers of the Commissioners for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Four Years after the passing of this Act.

Purchase of Lands by Agreement.

LIX. That the Commissioners from Time to Time may by Agreement purchase and rent for any of the Purposes of this Act, other than the Purposes of the Cemetery, any Lands within the Town: Provided always, that the Quantity of Land at any Time held by the Commissioners for the Purposes of the Gasworks shall not exceed Eight Acres, or for the Purposes of the Cemetery, Eighteen Acres.

Unoccupied or unproductive Ground may be let to defray Expenses.

LX. That if any Building or Land adjoining or near any Street which or any Part whereof shall be sewered, paved, flagged, levelled, or channelled by the Commissioners, be unoccupied, or not yielding any Rent, and the Owner thereof fail for Twelve Months to pay his Proportion

Proportion according to this Act of the Expenses of sewering, paving, flagging, levelling, draining, or channelling such Street or any Part thereof, or be bankrupt or insolvent, or unknown to the Commissioners, or cannot be found, then and in any such Case the Commissioners, after Three Months Notice to that Effect affixed or placed on or near such Building or Land, may take possession of such Building or Land, and let the same or any Part thereof, by Deed under their Seal, to any Person for such Term, not exceeding Ten Years, and at such Rent, payable half-yearly or more often, as the Commissioners think fit, and may appoint some Person to deliver Possession of such demised Premises to such Lessee; and every such Lease shall be as valid and effectual as if the Commissioners were the Owner of the Building or Land.

10 & 11 Vict. c. 15. incorporated.

LXI. That "The Gasworks Clauses Act, 1847," except the Clauses or Sections thereof "with respect to the Amount of Profit to be received by the Undertakers when the Gasworks are carried on for their Benefit," is incorporated with this Act; and the Expression "Undertakers" in that Act means for the Purposes of this Act the Commissioners.

Power to maintain Gasworks and supply Gas, &c.

LXII. That, subject to the Provisions of this Act, the Commissioners from Time to Time may maintain, alter, and discontinue the Gasworks vested in them by this Act, and may make, lay down, maintain, alter, and discontinue such Gasworks, Retorts, Gasometers, Gasmeters, Mains, Pipes, Apparatus, Works, and Conveniences, and may, upon any Lands from Time to Time vested in them for the Purposes of the Gasworks, make such Buildings and Works, and may do all such other Things as they from Time to Time think proper for making and storing Gas, and for supplying Gas within the Limits in that Behalf of this Act, and may make and store and supply Gas accordingly, and may sell the Gas and the Coke and other Products of the Manufacture of Gas as they from Time to Time think fit.

Commissioners may light Streets, &c.

LXIII. That the Commissioners from Time to Time may light with Gas such of the Streets and public Buildings within the Town, and at such Times and in such Manner, as they think fit, and may provide, lay, and affix such Lamps, Lamp Posts, Lamp Irons, Pipes, and other Works and Conveniences as they think requisite for that Purpose.

Service Pipes to be kept fully charged.

LXIV. That every Branch or Service Pipe at any Time used for lighting with Gas the Streets within the Town shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede any such Branch or Service Pipe being filled with Gas during the Time the same is lighted.

Commissioners to supply Gas to Dwelling Houses and Shops.

LXV. That from and after the Commencement of this Act the Commissioners shall, at the Request of the Owner or Occupier of any Dwelling House or Part of a Dwelling House or Shop in any Street within the Town in which any Gas Main of the Commissioners is from Time to Time laid within Fifty Yards from such Dwelling House or Shop, furnish to such Owner or Occupier a sufficient Supply of Gas at a Rate not exceeding Five Shillings *per* Thousand Cubic Feet.

Penalty for injuring Meters, &c.

LXVI. That if any Person fraudulently use, injure, alter, or destroy any Meter, Stopcock, or Pipe used for regulating the Supply, or for ascertaining the Quantity of Gas supplied and consumed, every Person so offending shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

Penalty for consuming Gas without Notice.

LXVII. That if any Person, becoming the Occupier of any Building or Place previously supplied by the Commissioners with Gas for any former Occupier or for any other Person, consume any Gas supplied by the Commissioners before he have given Notice in Writing to the Clerk of the Commissioners of his Intention so to do, every Person so offending shall for every such Offence forfeit and pay to the Commissioners any Sum not exceeding Five Pounds, and also the Value of the Gas so consumed, or such Rent or Sum as if such former Occupier or other Person, if he had used, consumed, or burnt the same, would have been liable to pay for the same, such Value, Rent, or Sum to be ascertained by any Justice.

Limiting the Price of Gas.

LXVIII. That it shall not be lawful for the Commissioners to demand or receive from any Person who shall use or burn Gas manufactured and supplied by the Commissioners, and used by the Meter, a Sum exceeding the Rate of Five Shillings *per* One thousand Cubic Feet of such Gas.

Certain Provisions of 10 & 11 Vict. c. 65. incorporated.

LXIX. That "The Cemeteries Clauses Act, 1847," except Sections XXVII. and XXVIII., and XXX. and XXXI., and XXXIV. and LII., and LVII. thereof, is incorporated with this Act; and the Expression the "Company" in that Act means for the Purposes of this Act the Commissioners.

Power to make and maintain Cemetery.

LXX. That, subject to the Provisions of this Act, the Commissioners may make and maintain a Cemetery for the Burial of the Dead, with proper Approaches, Works, and Conveniences, in the Lands which they are by this Act authorized to purchase for the Purposes of the Cemetery.

LXXI. Pro-

Cemetery not to be within certain Distance of Houses.

LXXI. Provided always, That no Part of the Cemetery shall be made within One hundred Yards of a Dwelling House, or within Three hundred Yards of any House of the yearly Value of Fifty Pounds or upwards, or having a Plantation or ornamental Garden or Pleasure Ground occupied therewith, except with the Consent in Writing of the Owner, Lessee, and Occupier thereof.

Commissioners to set apart and inclose a sufficient Portion for Burial Purposes, and may let the Remainder of the Lands purchased for Cemetery.

LXXII. And whereas it may not be deemed expedient by the Commissioners that the whole of the Lands taken for the Purposes of the Cemetery should at once be absolutely set apart and appropriated solely for the Burial of the Dead and for the Uses of a Cemetery: Therefore the Commissioners from Time to Time may set apart and inclose a Portion of the Lands of such Extent as they from Time to Time deem sufficient to be appropriated for the Purposes of a Cemetery, including nevertheless within such appropriated Portions from Time to Time a convenient and adequate Space to be set apart and consecrated for the Burial of Persons according to the Rites of the Established Church, and for the Erection of a Chapel for the Performance of the Burial Service according to the Rites of that Church, and also a convenient and adequate Space to be set apart for the Burial of Persons not being Members of that Church, with another Chapel therein, and may let such Portions of the Lands as from Time to Time remain unappropriated for such Purposes for any Term not exceeding Three Years, to any Person, at such Rent and on such Terms as the Commissioners think proper: Provided always, that Buildings shall not be erected on the Lands so let.

Height of Cemetery Walls.

LXXIII. That the Cemetery shall be inclosed by Walls or other sufficient Fences of the Height of Seven Feet at the least.

Burial Service in consecrated Part.

LXXIV. That each of the several Incumbents of the several Parish, Parishes, or Ecclesiastical Districts situate wholly or partly within the Town shall, on convenient Notice being given to him, perform or cause to be performed by some Clergyman of the Established Church whom he may appoint, not being prohibited by the Bishop, nor under Ecclesiastical Censure, on the Day specified in the Notice, at an Hour to be fixed by him, not being earlier than Nine in the Forenoon and not being later than Six in the Afternoon, from the First Day of *April* to the Thirtieth Day of *September*, both Days inclusive, nor later than Five in the Afternoon during the other Months of the Year, the Burial Service according to the Rites of that Church over every deceased Person brought for Interment within the consecrated Part of the Cemetery, over whom the same may lawfully be performed, and who died in the Ecclesiastical District of such Incumbent; and for every such Interment such Incumbent

bent shall be entitled to the respective Fees or Sums following; (that is to say,)

If the deceased Person shall have died within the Town (and shall not be interred at the Expense of any Parish or Union), the Sum of Two Shillings;

If the deceased Person shall have died beyond the Town (and shall not be interred at the Expense of any Parish or Union), the Sum of Six Shillings; and

If the deceased Person shall be interred at the Expense of any Parish or Union, the Sum of One Shilling and Sixpence:

And where in the "Cemeteries Clauses Act" any Duties are required to be performed or Consent may be given by the Chaplain of the Cemetery, such Duties shall be performed and such Consent may be given by such Incumbent.

Sale of Rights of Burial.

LXXV. That, in addition to their Powers of Sale of exclusive Rights of Burial, the Commissioners may demand and take such Sum as they from Time to Time think reasonable for the Privilege of single Interment in any Vault, Grave, or other Place of Burial constructed by them, or in the open Ground of the Cemetery, and such Sum shall be recoverable by them in any Court of competent Jurisdiction: Provided always, that the Rate of Charge shall be the same in the consecrated and unconsecrated Parts of the Cemetery and Chapels.

How Burials in consecrated Part of Cemetery o be registered.

LXXVI. That all Burials in the consecrated Part of the Cemetery shall, in addition to any other Registration by this Act required, be registered in the Register Books of the several Parishes or Ecclesiastical Districts within which the deceased Persons respectively died by the Ministers of such Parishes or Districts, according to the Laws in force by which Registers are required to be kept by the Rectors, Vicars, or Curates of Parishes or Ecclesiastical Districts in *England*, in the same Manner as if such Persons had been buried within such Parishes or Ecclesiastical Districts.

Letters of Administration to be registered.

LXXVII. That an Entry or Memorial of the Letters of Administration of the Goods, Chattels, and Credits of every Person entitled to an exclusive Right of Burial within the Cemetery, and dying intestate, shall, within Six Months after the Grant of such Letters of Administration, be made in the Register in like Manner as that of the original Grant, and until such Entry any Right of exclusive Burial shall not be acquired under such Intestacy; and for every such Entry or Memorial the Clerk of the Commissioners shall be entitled to such Sum as the Commissioners think fit, not exceeding Two Shillings and Sixpence.

LXXVIII. That

Repair, &c. of Gravestones, &c.

LXXVIII. That if any Gravestone, Monument, Tablet, or monumental Inscription be at any Time, from Want of Repair, ruinous or unsafe, the Commissioners may give Notice to the Person appearing by the Register entitled to the exclusive Right of Burial connected therewith, or if such Person be unknown to the Commissioners, or cannot be found, may give Notice by Advertisement in One of the *London* daily Morning Newspapers, requiring him to do the necessary Repairs; and if he fail to do the Repairs within One Month after such Notice the Commissioners may repair or take down or remove such Gravestone, Monument, Tablet, or monumental Inscription, and may recover the Expense incurred by them in that Behalf from such Person in any Court of competent Jurisdiction: Provided always, that no such Gravestone, Monument, Tablet, or monumental Inscription shall be taken down in the consecrated Part of the Cemetery without the Consent in Writing of the Bishop of the Diocese.

Depth of Soil over Coffins.

LXXIX. That a Coffin containing a Corpse shall not be buried in any Grave within the Town, not being a Vault or Catacomb, without at least Four Feet of Soil between the ordinary Surface of the Burial Ground and the upper Side of the Coffin being immediately after the Burial of such Coffin placed in a permanent Manner in the Grave so as effectually to close the same; and if any Person having the Preparation or the immediate Charge of the Preparation of any Grave to receive any such Coffin permit the Coffin to be buried in such Grave, or if any Person having the Control of the Burial Ground knowingly permit any such Coffin to be buried in any Grave, in which there is not so placed immediately after the Burial of the Coffin Four Feet at least of Soil, measuring from the ordinary Surface of the Burial Ground to the upper Surface of the Coffin, every such Person having such Preparation or immediate Charge of the Preparation of any Grave, and every such Person having such Control, shall respectively forfeit for every such Offence a Sum not exceeding Ten Pounds nor less than Five Pounds.

Penalty for disturbing Corpses.

LXXX. That if any Person having the Preparation of any Grave within the Town, not being a Vault or Catacomb, in the Course of the Preparation thereof knowingly or wilfully displace or disturb any undecomposed or only partly decomposed Corpse or Part of a Corpse, or any undecomposed or only partly decomposed Coffin, or Part of a Coffin, every such Person shall for every such Offence be liable to a Penalty not exceeding Five Pounds nor less than Forty Shillings; and if any Person having been adjudged to pay any such Penalty be subsequently guilty of a like Offence, every Person having the Control of the Burial Ground in which any such subsequent

Offence is committed by such Person shall also be liable for every such subsequent Offence committed by such Person in such Burial Ground to a Penalty not exceeding Ten Pounds nor less than Forty Shillings.

For Prevention of other than existing Burial Grounds within the Town.

LXXXI. That after any Cemetery is constructed under this Act, and the Part thereof to be appropriated for the Interment of the Dead according to the Rites of the Established Church is consecrated, it shall not be lawful to use any Place within the Town as a Place of Burial; and if any Person use, or knowingly suffer to be used, any Place within the Town as a Place of Burial, contrary to this Enactment, every such Person shall be guilty of a Misdemeanor: Provided always, that this Enactment shall not extend to any Place used as a Place of Burial on or before the First Day of *June* One thousand eight hundred and fifty-three.

Burial Grounds, &c. dangerous to Health may be prohibited.

LXXXII. That if upon the Representation of the Commissioners, and after Inquiry and Report by a Superintending Inspector, notified to the Bishop of the Diocese, and made, notified, and published as in the "Public Health Act, 1848," directed with respect to the Inquiry and Report of Superintending Inspectors previous to the Constitution of a District under that Act, and after Inquiry by such other Ways and Means as the General Board of Health may think fit to direct, the said General Board shall certify (such Certificate to be published in the *London Gazette*, and in some One or more of the public Newspapers published in *Manchester*,) that any Burial Ground situate within the Town is in such a State as to be dangerous to the Health of Persons living in the Neighbourhood thereof, or that any Church or other Place of Public Worship within the Town is dangerous to the Health of Persons frequenting the same by reason of the surcharged State of the Vaults or Graves within the Walls of or underneath the same, and that sufficient Means of Interment exist within a convenient Distance from such Burial Ground, Church, or Place of Public Worship, it shall not be lawful, after a Time to be named in such Certificate, to bury, or permit or suffer to be buried, any further Corpses or Coffins in, within, or under the Ground, Church, or Place of Worship to which such Certificate shall relate, except in so far as may be allowed by such Certificate, and whosoever, after Notice of such Certificate, shall bury, or cause, permit, or suffer to be buried, any Corpse or Coffin, contrary to this Enactment, shall for every such Offence be liable to a Penalty of Twenty Pounds.

Certain Provisions of 10 & 11 Vict. c. 14. incorporated.

LXXXIII. That the Clauses or Sections XXIV. to XXX., both inclusive, of "The Markets and Fairs Clauses Act, 1847," shall be incorporated with this Act, and the Expression "the Undertakers" in those Clauses or Sections shall mean for the Purposes of this Act the Commissioners.

LXXXIV. That

Tolls for weighing Carts.

LXXXIV. That the Commissioners may demand and take for the weighing of Carts such Tolls as they from Time to Time appoint, not exceeding the Sums expressed in Schedule (B.) to this Act annexed.

Certain Provisions of 10 & 11 Vict. c. 34. incorporated.

LXXXV. That "The Towns Improvement Clauses Act, 1847," except Sections LIII., LXI., LXII., CIII., CIX., CXIII., and CXIV. thereof, is incorporated with this Act.

Power to make Improvements shown on deposited Plans.

LXXXVI. That the Commissioners may make the Alterations, Widenings, and Improvements shown by the Plans and Sections deposited with the Clerk of the Peace for the County of *Lancaster* in the Line and on the Levels shown by those Plans and Sections, and on the Lands shown by those Plans and described in the Book of Reference thereto, therewith deposited.

Occupiers not to keep Ashes, &c.

LXXXVII. Provided always, That the Occupier of any House or Tenement within the Town shall not, except where the Commissioners fail duly to remove the same, keep or remove any Soil, Ashes, or Rubbish made on his own Premises.

Conversion of Sewage into Manure.

LXXXVIII. That the Commissioners from Time to Time may cause the Sewage and Refuse of the Town to be converted into Manure, in such Manner, and may provide on any Lands vested in the Commissioners such Works and Conveniences for that Purpose, and may sell and dispose of the Sewage and Refuse, and the Products of such Conversion thereof, as they think fit, and may contract with any Persons for the Conveyance of such Sewage and Refuse, or any Part thereof, out of the Town, or may contract with any Person for such Conversion, Sale, and Disposition, on such Terms and Conditions as the Commissioners think fit.

Recovery of the Costs of making House Drains, Privies, and Ashpits.

LXXXIX. Provided always, That the Cost of executing Works which under Sections XXXV. and XLIII. of the "Towns Improvement Clauses Act, 1847," might be defrayed by Drainage Rates, shall, if not forthwith repaid by the Owners or Occupiers to the Commissioners, be recoverable either as Private Improvement Expenses, or, at the Option of the Commissioners, as Damages.

Underground Drains to be formed.

XC. That the Owner or Occupier of any House or Building in any Street within the Town shall cause the Water to be conveyed from that House or Building either by a Drain or Tunnel below the Surface of the Pavement or Footpath, or by an Iron Drain Gutter fixed in the Pavement or Footpath, and for that Purpose such Owner or Occupier may take up so much of the Pavement or Footpath as may be necessary, and lay down or fix such Drain or Tunnel, or Iron

Drain

Drain Gutter, under the Direction of the Commissioners or their Surveyor; and all Damage which may thereby be occasioned shall be made good by such Owner or Occupier.

Occupiers to repair and cleanse private Drains.

XCI. That the Occupier of any Tenement from which any private Drain now or hereafter issues into any Sewer vested in the Commissioners shall from Time to Time repair and cleanse such private Drain to the Satisfaction of the Commissioners, or in default thereof the Commissioners may repair and cleanse the same, and recover the Expense thereof from the Defaulter as Damages.

Vaults under Streets to be repaired by Owners.

XCII. That the Commissioners may require the Owner of any Vault, Arch, or Cellar already or hereafter made under any Street to keep the same in substantial Repair, so as not to occasion any Injury to the Street.

Sect. 31. of 10 & 11 Vict. c. 34. extended to Vaults, &c.

XCIII. That the Provisions of Section XXXI. of the "Towns Improvement Clauses Act, 1847," extend to all Vaults, Arches, and Cellars hereafter to be made, whether made under the Carriageway or under the Footway of any Street.

Power to enforce Conversion of Privies into Water-closets, trapping of Drains, &c.

XCIV. That when and so often as it shall be certified to the Commissioners, under the Hands of Two Medical Men, that any Privy, Drain, or Cesspool is in a Condition, State, or Situation injurious, dangerous, or prejudicial to the Health of any of the Inhabitants of the Town, it shall be lawful for the Commissioners, if they think fit, to require the Owner thereof, by Notice in Writing for that Purpose, signed by their Clerk, forthwith, or within such reasonable Time as shall be specified in such Notice, to convert such Privy into a Water-closet, and to cause such Drain to be properly trapped, and such Cesspool to be properly cleansed and repaired, to the Satisfaction of the Commissioners or of their Surveyor; provided that if such Owner shall satisfy the Commissioners that such Privy can be so altered as to prevent the same being injurious, dangerous, or prejudicial to Health by other Means than by converting the same into a Water-closet, then such Alteration, if made to their Satisfaction, or to the Satisfaction of their Surveyor, shall be deemed a Compliance with this Provision.

Alteration of Gutters.

XCV. That the Commissioners from Time to Time may turn, tunnel, cover, or otherwise alter as they think fit any Gutter or Channel in any Street within the Town.

Limiting Power of making Sewers.

XCVI. Provided always, That it shall not be lawful for the Commissioners to make any open Sewers through any Portion of the Premises of *James Dearden* Esquire, called the *Orchard*, without his Consent

Consent in Writing being first obtained; and that it shall not be lawful for them to cause any new Sewer to open or drain into the River *Roche* at any Point above the *Town Mill* Weir, or to allow any new Sewer to open or drain into the Stream called the *Lordburn*.

Power to cleanse the River Roche.

XCVII. That the Commissioners, from Time to Time, as they think proper, may cleanse and otherwise improve the River *Roche* within the Town, and for such Purpose may remove or alter the *Town Mill* Weir on that River, and erect such other proper and sufficient Works as may be requisite; and those Works shall be erected and for ever maintained and repaired by the Commissioners in Manner and Form proper and sufficient to retain at all Times (except between Seven and Twelve o'Clock in the Evening of every working Day in the Week, and also during general or statutory Holidays,) the Water of the River immediately above them at a Level not lower than the Bottom of the present Pen Trough of the *Town Mill;* and the Commissioners shall cause to be placed some permanent Mark so as to show the present Position of the said Pen Trough and the Level thereof.

Compensation for Damage.

XCVIII. That full Compensation shall be made out of the Rates levied under this Act to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act relating to the cleansing or otherwise improving the River *Roche;* and the Amount of such Compensation, in case of Difference, shall be ascertained according to the Provisions in that Behalf of "The Lands Clauses Consolidation Act, 1845."

Commissioners may throw Land into Streets.

XCIX. That the Commissioners may order any Land vested in them to be laid into any Street for the widening and rendering more commodious the same, or to be otherwise disposed of for making or improving any Street as they think proper.

Power to exchange Lands for improving Streets.

C. That the Commissioners may, by Agreement with the Owners of adjoining Lands, for the Purpose of improving the Line of any Street, exchange any Part of the Street for a proper Equivalent in Value in Land, or in Land and Money, and may sell any other Land from Time to Time vested in them, and not required for any of the Purposes of this Act.

Width of new Streets.

CI. That, except with the Consent of the Commissioners, any new Street within the Town shall not be made of less Width than, if a Carriage Road, Thirty Feet, or, if not a Carriage Road, Ten Feet, and every existing Street within the Town, being a Carriage Road of less Width than Thirty Feet, or, if not a Carriage Road, of less Width than Ten Feet, shall not be widened to less than such prescribed

Width; and the Commissioners may erect Barriers so as to prevent any new Street made of or any existing Street widened to less than such prescribed Width being used as a Carriage Road; and if any Person, without their Consent, throw down, damage, or injure any such Barrier, or procure or instigate any Person so to do, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Houses not to be built in close Courts.

CII. That a House shall not be built in any Court within the Town the Passage or Entry into which is not Four Feet wide at the least, and open for the Space of Fifteen Feet at the least in Height from the Ground upwards at One End of the Court, and so continuing of such Width and Height for the whole Length of such Passage.

Level of the Ground Floor.

CIII. That the Level of the Ground Floor of every House hereafter built within the Town shall be at least Four Inches above the Level of the Edge of the Footway or Road adjoining such House, whether there be a Cellar to such House or not.

Notice by Owners of Intention to make, &c. Streets, &c.

CIV. That the Provisions "with respect to laying out new Streets" of the Towns Improvement Clauses Act, 1847, extend and apply to all Cases of the making or laying out or altering by any Person, other than the Commissioners, of any Sewer or Drain, or of the Level of any Street, Sewer or Drain, and the Notice to be given to the Commissioners under Section 57 of that Act shall be a Notice in Writing specifying the intended Length, Breadth, Boundaries, and Level of the proposed Street, Sewer, or Drain, or the proposed Alteration thereof respectively.

Commissioners to make Regulations as to Levels of Streets, Drains, &c.

CV. That the Commissioners and other Persons shall have like Power and Authority with respect to the Level of every such Sewer and Drain respectively, and the Course, Depth, Width, Form, and Construction thereof, as under the Provisions "with respect to laying out new Streets" of the Towns Improvement Clauses Act, 1847, they have with respect to the Levels of new Streets, and those Provisions shall be binding on and observed by all Persons accordingly.

Commissioners may alter Street, &c. at Expense of Owner.

CVI. That if any Person make or alter any Street, Sewer, or Drain, contrary to any Order of the Commissioners made within the Time limited by this Act, the Commissioners at any Time afterwards may alter the same in such Manner and Form as will make the same conformable thereto, and recover the Expense thereof from such Owner or Person doing the same in the like Manner as any Penalty under this Act may be recovered.

CVII That

CVII. That the Commissioners from Time to Time may alter the Level of any Street, Sewer or Drain, now or hereafter made within the Town, or the Course, Form, or Construction of such Sewer or Drain, in such Manner and Form as they think expedient. Commissioners may alter Level of existing or future Streets or Drains.

CVIII. Provided always, That it shall not be obligatory on the Commissioners to declare any Street a Highway, unless it be sewered to their Satisfaction. Streets to be sewered before declared Highways.

CIX. That if any Street or Part of a Street, either already or hereafter formed or set out, (not being a Street repairable by the Surveyor or Surveyors of any Hamlet or Township before the passing of an Act of the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for lighting, cleansing watching, and regulating the Town of* Rochdale *in the County Palatine of* Lancaster, or repairable by any Commissioners since the passing of the recited Act, or at any Time accepted by any such Surveyor or Surveyors or Commissioners respectively as repairable by him or them respectively, be not paved, flagged, levelled, drained, and sewered, or otherwise made good to the Satisfaction of the Commissioners, the Commissioners may cause such Street, or the Parts thereof not so paved, flagged, levelled, drained, and sewered, or otherwise made good, to be paved, flagged, levelled, drained, and sewered, or otherwise made good, in such Manner as they think fit, and the Expenses incurred by the Commissioners in respect thereof shall be repaid to them by the Owners of the Lands abutting on such Street, or such Parts thereof as have not been well and sufficiently paved, flagged, levelled, drained, and sewered, or otherwise made good, and such Expenses shall be recoverable from such Owners respectively as by this Act is provided with respect to Private Improvement Expenses, and thereafter such Street shall be repaired by the Commissioners out of the Rates levied under this Act. Commissioners may pave and sewer Streets at the Expense of Owners. 6 G. 4. c. cxxviii.

CX. That the Commissioners from Time to Time may make Part of a Street into a Causeway or Footway, and for that Purpose may pave or form with Stones or such Materials, and of such Width and in such Manner as they think fit, upon the Sides of the Street or any Part thereof, such Causeway or Footway for the Use of Foot Passengers, and the Expenses incurred by them in doing such Work shall be repaid to them by the Owners of the Houses or Buildings abutting on such Street and the Land occupied therewith, in proportion to their respective Frontage abutting on such Causeway or Footway, except where any such Street as aforesaid shall be a Street repairable by the Surveyor or Surveyors of any Hamlet or Township before the passing of an Act of the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for lighting, cleansing*, Causeways or Footways. 6 G. 4. c. cxxviii.

cleansing, watching, and regulating the Town of Rochdale *in the County Palatine of* Lancaster, or repairable by any Commissioners since the passing of the recited Act, or at any Time accepted by any such Surveyor or Surveyors or Commissioners respectively as repairable by him or them respectively.

Certain Footways not to be charged on Owners.

CXI. That nothing in this Act contained shall empower the Commissioners to charge the Owners of any Lands with the Expenses of paving, flagging, making, or repairing any Footways passing solely through a Field or Fields, or not being by the Side of any Carriageway.

Commissioners may repair Footbridge across the River Roche.

CXII. That the Commissioners may, from Time to Time, as they think proper, repair, maintain, and support any Foot Bridge now or hereafter to be constructed across the River *Roche*, to the Repair whereof the Inhabitants of any County, Hundred, or District, or other Persons, shall not be liable.

Courts and Passages to be flagged and channelled.

CXIII. That every Court and Passage within the Town shall be well and sufficiently flagged and channelled, to the Satisfaction of the Commissioners, by the Owners of the Houses, Buildings, and Lands abutting thereon, and having the Right to the Use thereof; and if any such Court or Passage be not so well and sufficiently flagged and channelled, and kept in good Repair, to the like Satisfaction, the Commissioners may cause the same to be flagged, channelled, or repaired to their Satisfaction, and the Expenses attending the same shall be repaid to the Commissioners by the Owners of the Houses, Buildings, and Lands abutting on such Court or Passage, and having the Use thereof, in such fair Proportions as the Commissioners determine.

Situation of Water Pipes to be altered, at the Expense of the Commissioners.

CXIV. That for the Purposes of this Act, if the Commissioners deem it necessary to raise, sink, or otherwise alter the Situation of any Waterpipe or other Waterworks laid in any of the Streets, they may from Time to Time, by Notice in Writing, require the Person to whom any such Pipes or Works belong to cause forthwith any such Pipes or Works to be raised, sunk, or otherwise altered in Position in such Manner as the Commissioners direct, provided that such Alteration be not such as permanently to injure such Works, or to prevent the Water from flowing as freely and conveniently as before; and the Expenses attending such raising, sinking, or altering, and full Compensation for every Damage done thereby, shall be paid by the Commissioners, as well to the Persons to whom such Pipes or Works belong as to all other Persons.

CXV. That

If Water Company neglect to make the Alteration, the Commissioners may cause the same to be done.

CXV. That if the Person to whom any such Pipes or Works belong do not proceed forthwith, after the Receipt of such Notice to cause the same to be raised, sunk, or altered in such Manner as the Commissioners require, the Commissioners may themselves cause such Pipes or Works to be raised, sunk, or altered as they think fit; provided that such Works be not permanently injured thereby, or the Water prevented from flowing as freely and conveniently as before.

Commissioners may alter Pavement, &c. in case of Neglect.

CXVI. That if any Person take up or alter any Part of any Pavement, Carriageway, or Footway within the Town, and do not forthwith after Notice in Writing from the Commissioners or their Surveyor properly relay and reinstate the same with the same or similar Materials, and in as nearly as may be the same Manner as before the taking up or altering of the same, the Commissioners may relay and reinstate the same, and the Expense thereof shall be repaid to them by the Person who took up or altered such Pavement, Carriageway, or Footway: Provided always, that nothing in this Enactment contained shall prevent or hinder "The *Rochdale* Waterworks Company," their Agents or Servants, from using or exercising all such Powers to break up the Pavement, Flags, or other Materials of any Street to which they are entitled under "The *Rochdale* Waterworks Act, 1847," or any Act or Acts incorporated therewith.

Value of existing Sewers and Streets to be allowed for.

CXVII. That in ascertaining the Proportion of the Expenses of sewering, levelling, paving, flagging, draining, or channelling any Street or any Part thereof to be paid by any Owner or Occupier, the Value and Efficiency of any such Work theretofore done by such Owner or Occupier, or by any preceding Owner or any Occupier, the Condition at the Time of the Work so done by the Commissioners of the Street or Part thereof by them sewered, levelled, paved, flagged, or channelled, shall be taken into consideration, and such Allowance as the Commissioners, with the Approval of their Surveyor, think just, shall accordingly be made to such Owner or Occupier, and in case of Difference the Amount of such Allowance shall be determined by Two Justices,

If Commissioners do not cause Privy to be emptied within Three Days after Notice, Occupier may, without incurring Penalties.

CXVIII. That if the Commissioners do not within Three Days after Notice from the Occupier of any House within the Town, requiring them to enter and cleanse any Privy belonging to such House, or used by any Inmate or Occupier thereof, cause such Privy to be effectually emptied and cleansed, the Occupier of the House, or any such Inmate or Occupier by whom the Privy is used, may cause such Privy to be emptied and cleansed, and may dispose of the Soil removed therefrom, in such Manner as he thinks fit, without incurring any Penalty for so doing.

Public Water-closets.

CXIX. That the Commissioners from Time to Time may make, alter, and remove, in such Places within the Town as they think fit, any public Privies or Waterclosets, and may maintain and cleanse the same, and make such Regulations for the Use thereof, and the orderly Conduct of Persons resorting thereto, as the Commissioners think fit; and if any Person offend against any such Regulation every Person so offending shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

Public Urinals.

CXX. That the Commissioners may from Time to Time order the Owner or Occupier of any Inn, Public House, Beershop, Building, or Place within the Town to remove any Urinal now or hereafter adjoining such Inn, Public House, Beershop, Building, or Place, and may from Time to Time order the Owner or Occupier of any Inn, Public House, Beershop, Building, or Place to construct or place, adjoining such Inn, Public House, Beershop, Building, or Place, a Urinal in such Position and according to such Plan as the Commissioners or their Surveyor may approve; and if any such Owner or Occupier fail, for Fourteen Days after the Time allowed by the Commissioners for the Removal or the Construction or placing of any such Urinal, to remove or construct or place the same according to such Order, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Shillings for every Day after the Expiration of Fourteen Days during which such Order is not complied with.

As to the Prevention of Smoke.

CXXI. Provided always, That as regards the Provisions of "The Towns Improvement Clauses Act, 1847," with respect to the Prevention of Smoke, the Justice or Justices before whom any Person shall be summoned may remit the Penalties imposed by those Provisions, and may make such Order as to Costs as he or they shall think fit, if he or they be of opinion that such Person has so constructed or altered his Fireplace or Furnace so as to consume as far as possible all the Smoke arising therefrom, and has carefully attended to the same, and consumed as far as possible the Smoke arising therefrom.

Penalty on discharging Smoke or Steam into Streets.

CXXII. That if any Person discharge the Smoke of any Furnace or Fireplace or any Steam from any Building (otherwise than from the Top of the same) into any Street within the Town, every Person so offending shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

Cellars, &c. newly built not to be let as Dwelling Houses.

CXXIII. That it shall not be lawful to let or occupy, or suffer to be occupied, separately as a Dwelling, any Vault, Cellar, or underground Room, built or rebuilt after the passing of this Act, or which shall

shall not have been so let or occupied before the passing of this Act.

Power to prohibit Use of Cellars, &c. as Dwelling Houses in certain Cases.

CXXIV. That in case it shall at any Time appear to the Commissioners that any Cellar, Vault, or underground Room which is occupied as a separate Dwelling is unfit for Human Habitation, the Commissioners may, by Notice under the Hand of their 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 any such Notice let, occupy, or continue to let, or knowingly suffer to be occupied, for Hire or Rent, 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.

Owner appealing against Order of Commissioners not to be liable to Penalty until Appeal determined.

CXXV. That every Owner aggrieved by any such Order of the Commissioners shall have the same Right of Appeal against such Order as is provided by Section LXXXVI. of "The Towns Improvement Clauses Act, 1847;" and in case such Owner shall so appeal against any such Order he 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; nor shall any such Owner 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.

Powers of Justices, &c. as to Removal of Occupants of Cellars, &c.

CXXVI. That 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 Officer of Police or other Person appointed by such Justice 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, such Justice may grant, if necessary, a Warrant for forcibly entering such Dwelling.

CXXVII. That

Approval of Meeting of Ratepayers for certain Works.

CXXVII. That the Approval for any new Works specified in Section CXXI. of "The Towns Improvement Clauses Act, 1847," shall be the Approval of a Majority of the Owners and Occupiers of Tenements in the Town rated in the then last Rate for General Purposes made under this Act in public Meeting assembled, such Meeting being called and held at such Time and in such Manner as the Commissioners think fit.

When sufficient Slaughter-houses provided, Notice to be given.

CXXVIII. That after sufficient Slaughter-houses are provided by the Commissioners, and are ready for public Use, the Commissioners shall give Notice that such Slaughter-houses are ready for public Use, and every such Notice shall be published by printed Handbills, posted and circulated within the Town.

Penalty for slaughtering elsewhere, after Notice.

CXXIX. That after the Expiration of Twenty-one Days from such Publication of such Notice any Cattle, Beast, or Swine shall not be slaughtered or dressed for Sale in any Place within the Town other than One of those Slaughter-houses; and if any Person, after such Time, and so long as the Commissioners provide sufficient Slaughter-houses, slaughter or dress for Sale any such Cattle, Beast, or Swine in any Place within the Town other than One of such Slaughter-houses, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Justices to decide whether sufficient Slaughter-houses.

CXXX. That whenever any Question arises whether a sufficient Number of Slaughter-houses be provided by the Commissioners, such Question shall be determined by the Justices before whom such Penalty is sued for.

Tolls for Slaughter-houses.

CXXXI. That after any such Slaughter-house is opened for public Use the Commissioners may demand and take from any Person slaughtering any Animal therein such Tolls as the Commissioners think proper, not exceeding the several Sums specified in the Schedule (C.) to this Act annexed.

Power for Officers to order Examination of bad Meat.

CXXXII. Provided always, That it shall not be obligatory on any Officer of the Commissioners who finds any Cattle, or the Carcase or Part of the Carcase of any Beast, which appears unfit for the Food of Man, to seize and carry the same before any Justice in order to the further Inspection or Examination thereof by competent Persons, but any such Officer may, of his own Authority, seize such Cattle or such Carcase, or such Part of a Carcase, and order such Inspection and Examination by competent Persons, and any Justice may thereupon make such Order in the Premises in the same Way and Manner as if such Inspection and Examination had been made under his Order.

CXXXIII. That

Penalty for exposing for Sale unsound Meat or Provisions.

CXXXIII. That if any Butcher, Provision Dealer, or other Person exposes or offers for Sale in his Shop, Stall, Warehouse, or any Part of his Premises, or otherwise within the Town, any unsound or unwholesome Meat, Fish, or other Provisions unfit for the Food of Man, every Person so offending shall for each Offence forfeit a Sum not exceeding Five Pounds, and such Meat, Fish, or other Provisions may be seized, carried away, and dealt with by any Officer of the Commissioners, in like Manner as by this Act is provided touching the seizing and disposal of unsound Meat.

Officers may inspect Knacker's Yards.

CXXXIV. That any Inspector or other Officer authorized by the Commissioners for that Purpose may at all Times in the Day, with or without Assistants, enter into and inspect any Knacker's Yard, House, or Place whatsoever kept or used for slaughtering Horses or other Animals not fit for the Food of Man, and any Building, Shed, Yard, or Place belonging thereto, to search and see the State and Condition thereof.

Provision respecting the Levels of Molesworth Street and John Street.

CXXXV. And whereas by certain Orders or Resolutions of the Commissioners acting under the Act hereby repealed, dated the First Day of *December* One thousand eight hundred and forty-seven and the Third Day of *January* One thousand eight hundred and forty-nine respectively, it was directed that a certain Street in *Rochdale* called *Molesworth Street* should be constructed according to certain Levels therein defined, which Levels were fixed with reference to the Junction of that Street with another Street called *John Street* by means of a Bridge across the River *Roche*: And whereas, there being no Person compellable to construct the Bridge, the Levels so fixed are inappropriate, and the said Orders tend to injure the Lands abutting upon *Molesworth Street* and *John Street*, and it is expedient that the said Orders of the Commissioners should be altered as herein-after mentioned: Be it enacted, That, notwithstanding anything in the said Orders or in any subsequent or future Order of the Commissioners contained, the Levels of *Molesworth Street* and *John Street* between the Point in *Molesworth Street* where it forms a Junction with *Water Street* and the *Talbot* Inn in *John Street* shall be such as the Vicar of *Rochdale* for the Time being, and *John Smith Entwistle* Esquire, his Heirs or Assigns, shall at any Time within Three Months after the Commencement of this Act, by Writing under their Hands, delivered to the Clerk to the Commissioners for the Time being, or left at the principal Office of the Commissioners for the Time being, appoint (and such Levels so fixed may from Time to Time be altered by the mutual Agreement of the Parties hereby authorized to fix such Levels and the said Commissioners); and in case the Commissioners shall object to the Levels so fixed the Difference between the Parties respecting such Levels shall be referred to the Chairman

of the Quarter Sessions of the Hundred of *Salford* in the County of *Lancaster*, or to some Two Justices for the County of *Lancaster* to be appointed by him, who shall have Power to hear and finally determine the same.

10 & 11 Vict. c. 34. incorporated.

CXXXVI. That the "Town Police Clauses Act, 1847," except the Clauses XXIV. and XXV., and XXVI. and XXVII., shall be incorporated with this Act.

Appointment of Constables.

CXXXVII. That the Commissioners from Time to Time may appoint and employ a Chief Constable of the Town, and such other Constables as the Commissioners think fit, and may fix the Salaries or Wages to be paid to them, and may remove them at Pleasure.

Regulations of Commissioners to be observed, under a Penalty.

CXXXVIII. That the Commissioners may make such Rules and Orders as they think fit for regulating the Conduct of the Constables; and if any Constable do not faithfully observe and perform such Rules and Orders, every Person so offending shall for every such Offence forfeit a Sum not exceeding Twenty Shillings, and, if the Commissioners think proper, shall also be immediately discharged from his Office or Employment.

Power to Two Justices to dismiss Constable.

CXXXIX. That any Two Justices may dismiss or suspend for Neglect of Duty any Constable appointed under this Act; and any Person so suspended or dismissed shall not be re-appointed, except with the Consent of Two Justices; and when any Person is so suspended or dismissed all Powers vested in him as Constable shall accordingly be suspended or cease.

Gratuities to Constables.

CXL. That the Commissioners may allow any Constable or other Officer such Gratuities and Rewards for apprehending Felons and other Offenders as the Commissioners think proper, and may defray the Expense of prosecuting any Felons or Offenders, and of defending any Constable in the Execution of his Duty, and may give such Rewards or Compensation to any Constable disabled in the Execution of his Duty, and to any Constable appointed under this Act who shall be worn out by Length of Service, as the Commissioners think reasonable.

Power to impound stray Cattle.

CXLI. That if any Cattle be at any Time found at large in any Street within the Town without any Person having the Charge thereof, or if any Cart, Carriage, or other Thing be left in any Street within the Town without any Person being with or taking care of the same, any Constable or other Officer of Police, or any Person residing within the Town, may seize and impound such Cattle, Cart, Carriage, or other Thing in any Common Pound within the Town, or

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in such other Place as the Commissioners appoint for that Purpose, and may detain the same therein until the Owner thereof pay to the Commissioners a Penalty not exceeding Forty Shillings, besides the reasonable Expenses of impounding and keeping such Cattle, Cart, Carriage, or other Thing.

Power to sell stray Cattle for Penalty and Expenses.

CXLII. That if the said Penalty and Expenses be not paid within Three Days after such impounding, the Pound-keeper or other Person appointed by the Commissioners for that Purpose may proceed to sell or cause to be sold any such Cattle, Cart, Carriage, or other Thing, but previous to such Sale Seven Days Notice thereof shall be given to or left at the Dwelling House or Place of Abode of the Owner of such Cattle, Cart, Carriage, or other Thing, if he be known, or if not then Notice of such intended Sale shall be given by Placards to be posted in public Places in the Town Seven Days before such Sale; and the Money arising from such Sale, after deducting the said Sums and the Expenses aforesaid, and all other Expenses attending the Impounding, Notice, Keeping, and Sale of any such Cattle, Cart, Carriage, or other Thing so impounded, shall be paid to the Commissioners, and shall be by them paid, on Demand, to the Owner of the Cattle, Cart, Carriage, or other Thing so sold.

Persons guilty of Pound-breach.

CXLIII. That every Person who releases or attempts to release any Cattle, Cart, Carriage, or other Thing from any Pound or Place where the same are impounded under the Authority of this Act, or who pulls down, damages, or destroys the same Pound or Place or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same may be fastened, with Intent to procure the unlawful Release of such Cattle, Cart, Carriage, or other Thing, shall, upon Conviction of such Offence before Two Justices, be committed by them to some Common Gaol or House of Correction for any Time not exceeding Three Months.

Power to provide a Pound for stray Cattle.

CXLIV. That the Commissioners may purchase a Piece of Land within the Limits of this Act for the Purpose of a Pound for stray Animals, Carts, Carriages, and other Things, and may erect a Pound thereon, and such Pound when made shall be kept in repair by the Commissioners.

Saving Rights of the Lord of the Manor of Rochdale.

CXLV. Provided always, That, subject to the Provisions of this Act, anything herein contained with respect to the seizing, impounding, and detaining of Cattle, Carriages, Carts, unsound Meat and Provisions, and other Things, shall not take away, lessen, prejudice, or affect any of the Rights, Powers, or Privileges of the Lord of the Manor of *Rochdale*, but the same may be had, exercised, and

and enjoyed by such Lord in like Manner as heretofore as if this Act were not passed.

Dogs suspected to be mad may be destroyed.

CXLVI. That any Constable may destroy any Dog or other Animal within the Town reasonably suspected to be in a rabid State, or to have been bitten by any Dog or other Animal reasonably suspected to be in a rabid State.

Limits of Licences for Hackney Carriages.

CXLVII. That the Distance within which the Commissioners may from Time to Time license Hackney Carriages to ply for Hire shall be Eight Miles beyond the Town.

Power to borrow on Mortgage.

CXLVIII. That the Commissioners from Time to Time may borrow on Mortage, on the Security of the Lands from Time to Time vested in them under this Act, and the Tolls and Rates granted by this Act, and their Gas Rents and other Property and Effects, any Sums not exceeding in the whole Eighty thousand Pounds, and after having paid off (otherwise than by the Sinking Fund) any Money so borrowed they may reborrow the Amount so paid off, and so *toties quoties*.

Arrears may be enforced by Appointment of a Receiver.

CXLIX. That the Mortgagees under this Act may enforce the Payment of the Arrears of Principal and Interest due to them by the Appointment of a Receiver; and the Amount in arrear to authorize a Requisition for a Receiver shall be Five thousand Pounds, or One Fourth Part of the total Mortgage Debt for the Time being, whichever shall be the smaller Amount.

Rights and Priority of existing Mortgagees.

CL. That such of the Creditors of the existing Commissioners as immediately before the Commencement of this Act are Mortgagees under the recited Act, or within Section LXXII. of that Act, shall after the Commencement of this Act be entitled, by virtue of their respective Mortgages and this Act, and according to their respective Priority under the recited Act, to the like Security, Rights, and Remedies as if their respective Mortgages had been granted under this Act, and their respective Mortgages, according to such Priority, shall have Priority over all Mortgages actually granted under this Act.

Amount to be yearly set apart out of Rates for a Sinking Fund.

CLI. Provided always, That the Amount which shall be set apart by the Commissioners yearly out of the Rates which shall be levied under this Act (other than the Rates for Private Improvement Expenses) as a Sinking Fund, to be applied in manner directed by Section LXXXIV. of "The Towns Commissioners Clauses Act, 1847," shall be a Sum equal to One Fortieth Part of the Monies borrowed by or for which the existing Commissioners immediately before

before the Commencement of this Act were liable under the recited Act, and of the Monies which shall be borrowed by the Commissioners under this Act.

Private Improvement Rates.

CLII. That for the Payment of any Expenses by this Act declared to be or to be recoverable as Private Improvement Expenses, or otherwise payable by any Owner, the Commissioners from Time to Time, if they think fit, may make and levy upon the Owners of the Property in respect of which the Expenses are incurred, in addition to all other Rates under this Act, a Rate or Rates to be called Private Improvement Rates, of such Amount or of such aggregate Amount as will, in the Judgment of the Commissioners, be sufficient to discharge the Amount of such Expenses, with lawful Interest thereon from the Time of the incurring thereof, and either in One Sum, or by Instalments, within such Period, not exceeding Thirty Years, as the Commissioners in every Case determine; and the Commissioners shall have all such Rights and Remedies for the Recovery of such Private Improvement Rates as are by Sections CXLIX. and CL. and CLI. and CLII. of the "Towns Improvement Clauses Act, 1847," for the Recovery of Expenses to be repaid by Owners to the Commissioners.

Power to make a Cemetery Rate.

CLIII. That in order to defray such of the Expenses of executing this Act with respect to the Cemetery as from Time to Time are not otherwise defrayed, the Commissioners from Time to Time, as often as they think it necessary, may make an equal Rate, under the Name of "The Cemetery Rate," and under their Seal and the Hands of Five at least of the Commissioners, on the Occupiers of all Property within the Town rateable to the Rate for General Purposes, according to the yearly Value thereof, so as such Cemetery Rates do not exceed in any One Year, computed from the Thirty-first Day of *March*, the Sum of Sixpence in the Pound on such yearly Value; provided that the Occupier of any Land covered with Water, or used only as a Canal or Towing-path to the same, or as a Railway constructed under the Powers of any Act of Parliament for Public Conveyance, shall be assessed in respect to the same to the Cemetery Rate in the Proportion of One Fourth Part only of the net annual Value thereof.

Power to make Rate for paving and sewering.

CLIV. That the Charges and Expenses of paving, flagging, sewering, repairing, and maintaining the Streets within the Town shall from Time to Time be borne and paid by the Occupiers of all Messuages, Buildings, Lands, Tenements, and Hereditaments whatsoever within the Town, and for that Purpose the Commissioners from Time to Time, as often as they think it necessary, may make an equal Rate under the Name of "The Rate for Paving and Sewering,"

under their Seal and the Hands of Five at least of the Commissioners, upon the Occupiers of the same Messuages, Buildings, Lands, Tenements, and Hereditaments within the Town, according to the yearly Value thereof respectively, so as such Rates do not exceed in any One Year, computed from the Thirty-first Day of *March*, the Sum of One Shilling in the Pound on such yearly Value: Provided always, that the Rate for Paving and Sewering shall for the Purposes of this Act be deemed the General Sewer Rate authorized by Section CLVIII. of "The Towns Improvement Clauses Act, 1847."

Amount of Rate for Paving and Sewering in the Year commencing 31st March 1853 limited.

CLV. Provided always, That if the existing Commissioners make under the recited Act, in any Part of the Year commencing from the Thirty-first Day of *March* One thousand eight hundred and fifty-three, any Rate or Rates for Paving and Sewering, then the Amount which the Commissioners may under this Act raise in that Year, by a Rate or Rates for Paving and Sewering, shall not, with the Amount of such Rate or Rates so made by the existing Commissioners, exceed such Sum of One Shilling in the Pound.

Power to make Rate for General Purposes.

CLVI. That the Commissioners once in every Year after the Commencement of this Act, to be computed from the Thirty-first Day of *March* in every Year, or oftener if they think it necessary, may make One or more equal Rate or Rates under the Name of "The Rate for General Purposes," under their Seal and the Hands of Five at least of the Commissioners, upon the Occupiers of all Houses, Lands, Tenements, and Hereditaments within the Town, according to the yearly Value of the same, so as such Rates do not, except as by this Act otherwise provided, exceed in any One such Year the Sum of One Shilling and Sixpence in the Pound on such yearly Value: Provided always, that the Occupier of any Land covered with Water, or used only as a Canal or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, shall be assessed in respect of the same to the Rate for General Purposes in the Proportion of One Fourth Part only of the net annual Value thereof.

Increase of Rate for General Purposes, with Consent of Ratepayers.

CLII. That if and whenever it appears that such Sum of One Shilling and Sixpence in the Pound is not sufficient for the Purposes to which under this Act the Monies raised by the Rate for General Purposes are applicable, the Commissioners, with the Consent of the Majority of the Ratepayers assembled at a public Meeting called by the Commissioners for that Purpose, may increase the Rate for General Purposes for the current Year, so as it do not in any One Year exceed the Sum of Two Shillings in the Pound on such yearly Value: Provided always, that One Month's public Notice of the Intention of the Commissioners to make any such Increase, and of the Time

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and Place for holding such public Meeting, shall be given by them by Placards posted in some public Places, and circulated within the Town.

As to Amount of Rate for General Purposes in the Year commencing 31st March 1853.

CLVIII. Provided always, That if the existing Commissioners make under the recited Act in any Part of the Year commencing from the Thirty-first Day of *March* One thousand eight hundred and fifty-three any Rate or Rates for Lighting and General Purposes, then, for ascertaining the Amount which the Commissioners may under this Act raise in that Year by a Rate or Rates for General Purposes, the Amount of such Rate or Rates made by the existing Commissioners shall be estimated as if it were the Amount of a Rate for General Purposes made by the Commissioners.

Power to remit Rates.

CLIX. Provided always, That the Commissioners or any Two Justices may reduce or remit the Payment of any Rate (not being a private Improvement Rate) on account of the Poverty or Sickness of any Person liable to the Payment of the Rate.

Occupiers of arable, &c. Grounds to be rated at net annual Value.

CLX. That the Occupiers of Arable, Meadow, and Pasture Ground, Woodlands, Market Gardens, and Nursery Grounds, shall be rated in respect of the same at the net annual Value thereof respectively: Provided always, that the Occupiers of Arable, Meadow, and Pasture Grounds, and Woodlands, and of Stables or Buildings, used only for the Purposes of Husbandry, shall not be rated in respect thereof to the Rate for General Purposes.

Owners of Property not exceeding 4*l.* a Year, &c. to be rated.

CLXI. That the Owners of all rateable Property within the Town the rateable Value whereof respectively shall not exceed Four Pounds, or which shall be let to weekly or monthly Tenants, or in separate Apartments, shall be rated to and pay the Rates under this Act, instead of the Occupiers thereof.

Proceeds of Lands and other Monies to be carried to the Credit of "General Purposes Fund."

CLXII. That the Proceeds of all Lands sold or let by the Commissioners, and all other Monies received by the Commissioners, the Application of which is not by this Act otherwise provided for, shall be carried to the Credit of their "General Purposes Account," and be applicable accordingly, but in the first place for or towards the Discharge of Monies secured by Mortgage.

Application of Rents of unproductive Tenements let by Commissioners.

CLXIII. That the Rent of any Building or Land unoccupied or not yielding any Rent, let under this Act by the Commissioners, shall be paid to them, and they shall pay thereout, first, the Expense of such letting, and next the Sum due from the Owner of such Building or Land as his Share of the Expenses of paving, flagging, levelling, draining, or sewering the Street to which the Building or Land

Land adjoins or is near, and shall retain the Surplus, if any, for such Owner, or his Assignees or other legal Representatives: Provided always, that such Surplus shall in the Hands of the Commissioners be liable to any further Payments which under this Act become due from him to the Commissioners.

Distinct Accounts to be kept for Gasworks, Cemetery, Paving and Sewering, and General Purposes.

CLXIV. That the Commissioners shall keep distinct and separate Accounts, to be called respectively "The Gasworks Account," and "The Cemetery Account," and "The Paving and Sewering Account," and "The General Purposes Account," of all their Receipts, Credits, Payments, and Liabilities under this Act with respect to the Execution thereof, for the several Purposes of the Gasworks and the Cemetery, and the paving and sewering, and the other Purposes of this Act respectively: Provided always, that the Commissioners may from Time to Time apportion between Two or more of those Accounts, as they think fit, any Items relating to more than One of those Purposes.

Application of Monies with respect to Gasworks.

CLXV. That all Monies from Time to Time borrowed by the Commissioners for the Purposes of the Gasworks, or otherwise received by them in respect of the Gasworks and the Supply of Gas, shall be carried to the Credit of the Gasworks Account; and all Monies from Time to Time carried to the Credit of that Account shall be applied, so far as the same extends, as follows:

1. In Payment of Part of the Expenses of and incident to the obtaining and passing of this Act:
2. In Payment, but not out of Money so borrowed, of the Interest on the Monies borrowed under this Act for the Purposes of the Gasworks:
3. In providing, but not out of Money so borrowed, in proportion to the Amount so borrowed, the Sinking Fund by this Act required:
4. In carrying the Purposes of this Act with respect to the Gasworks into execution:
5. And the Surplus shall from Time to Time be carried to the Credit of the General Purposes Account.

Application of Monies with respect o Cemetery.

CLXVI. That all Monies from Time to Time borrowed by the Commissioners for the Purposes of the Cemetery, or raised by the Cemetery Rate, or otherwise received by them in respect of the Cemetery, shall be carried to the Credit of the Cemetery Account; and all Monies from Time to Time carried to the Credit of that Account shall be applied, so far as the same extends, as follows:

1. In Payment of Part of the Expenses of and incident to the obtaining and passing of this Act:

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2. In Payment, but not out of Money so borrowed, of the Interest on the Monies borrowed under this Act for the Purposes of the Cemetery:
3. In providing, but not out of Money so borrowed, in proportion to the Amount so borrowed, the Sinking Fund by this Act required:
4. In carrying the Purposes of this Act with respect to the Cemetery into execution.

Application of Monies with respect to paving and sewering.

CLXVII. That all Monies from Time to Time borrowed by the Commissioners for the Purposes of paving or sewering, or raised by Private Improvement Rates with respect to paving or sewering, or raised by "The Rate for Paving and Sewering," or otherwise received by them in respect of paving or sewering, shall be carried to the Credit of the Paving and Sewering Account; and all Monies from Time to Time carried to the Credit of that Account shall be applied, so far as the same extends, as follows:

1. In Payment of Part of the Expenses of and incident to the obtaining and passing of this Act:
2. In Payment, but not out of Money so borrowed, of the Interest on the Monies borrowed under this Act for the Purposes of paving and sewering.
3. In providing, but not out of Money so borrowed, in proportion to the Amount so borrowed, the Sinking Fund by this Act required:
4. In carrying the Purposes of this Act with respect to paving and sewering into execution.

Application of Monies for general Purposes.

CLXVIII. That, except as by this Act otherwise provided, with respect to Monies to be carried to the Credit of "The Gasworks Account," and "The Cemetery Account," and "The Paving and Sewering Account," respectively, all Monies from Time to Time borrowed, raised, or otherwise received by the Commissioners under this Act shall be carried to the Credit of the General Purposes Account; and all Monies from Time to Time carried to the Credit of that Account shall be applied as follows:

1. In Payment of Part of the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act:
2. In Payment of the Interest on such of the Mortgages granted under or continued by the recited Act as from Time to Time are in force, but only according to their respective Priority:
3. In Payment of such of the Interest on Monies borrowed under this Act as is not by this Act otherwise sufficiently provided for:

4. In providing, but not out of Money so borrowed, the Sinking Fund by this Act required, so far as the same is not by this Act otherwise sufficiently provided for:

5. In carrying the several Purposes of this Act into execution, so far as the same are not by this Act otherwise sufficiently provided for.

Accounts of lighting Streets.

CLXIX. Provided always, That the Commissioners may credit the Gasworks Account, and debit the General Purposes Account with the Expense of lighting the Streets.

Existing Leases, &c. not to be affected.

CLXX. Provided always, That nothing in this Act contained shall alter, interfere with, or affect any Lease, Contract, or Agreement which shall have been made or entered into between Landlord and Tenant before the passing of this Act.

Owners may execute Works, instead of Commissioners.

CLXXI. That in every Case in which the Commissioners are empowered under this Act to do any Work at the Expense of any Owner, the Owner may, if the Commissioners consent, do the Work at his own Expense, so as the Work be done under the Superintendence of the Surveyor, and to the Satisfaction of the Commissioners.

Receiver of Rents to be deemed the Owner.

CLXXII. That in order to prevent any Dispute touching the Word "Owner," therefore, for all the Purposes of this Act whereby an Owner is to do anything under this Act, or to be rated or to pay any Rate or Sum, the Person receiving the Rents of any Property from the Occupier thereof, on his own Account or as Trustee or Agent for any other Person, or who if the Property were let to a Tenant at Rackrent would so receive the Rackrent thereof, shall be deemed the "Owner" thereof.

Expenses may be recovered from the Occupiers of Houses in the Rear of unoccupied Ground belonging to the same Owner.

CLXXIII. That if the Owner of any Building or Land unoccupied, or not yielding any Rent, adjoining to or near any Street which, or any Part whereof is sewered, paved, flagged, levelled, or channelled by the Commissioners, be also the Owner of any Land at the Rear of and adjoining such Building or Land unoccupied or not yielding any Rent, and upon which any House or Building is erected, then the Commissioners may require all or any Part of the Expenses to be paid by such Owner in respect of the sewering, paving, flagging, levelling, or channelling of such Street to be paid by the Persons then or thereafter occupying any such Houses or Buildings, in the same Manner as if such Houses or Buildings immediately adjoined the Street.

Occupier not to be liable beyond

CLXXIV. Provided always, That the Occupier of any rateable Property shall not be liable to the Payment of any Rate or Sum which

which ought under this Act to be borne or paid by the Owner thereof to an Amount exceeding the Amount of the Rent from Time to Time actually due and payable in respect of such rateable Property by such Occupier to such Owner. Amount of Rent.

CLXXV. That if any Rate or Sum which ought under this Act to be borne or paid by the Owner of any rateable Property be paid by the Occupier thereof, or of any other Property of the same Owner, or levied on his Goods and Chattels, the Owner shall reimburse the Occupier, and the Occupier may deduct the Sums paid or levied, with the Costs of the Distress, if any, paid by him, from the Rent due or to become due from him to the Owner. Owners to repay Occupiers.

CLXXVI. That the Commissioners may allow to any Owners, Occupiers, or other Persons by whom any Rate or other Money is to be paid to the Commissioners such Time for Payment thereof as the Commissioners think reasonable. Power to allow Time for Payment.

CLXXVII. That the Justice or Justices by whom any Penalty is imposed under this Act shall award the same to the Commissioners. Application of Penalties.

CLXXVIII. That whenever any Person fails to pay any Rate or Sum due and payable to the Commissioners, and the Rate or Sum so due and payable does not exceed Fifty Pounds, the Commissioners may recover the same, with full Costs of Suit, in any Court of competent Jurisdiction, and the Remedies of the Commissioners under this Enactment shall be in addition to their other Remedies for the Recovery of such Rate or Sum. Recovery of Sums not exceeding 50*l.*

CLXXIX. That all Rates and Sums due and payable to the Commissioners on any Account whatsoever, and all Costs, Damages, and Expenses by this Act directed to be paid, may be levied by Distress, and any Justice, on Application by the Commissioners, shall issue his Warrant accordingly. Recovery of Monies by Distress.

CLXXX. That any Justice who issues any Warrant of Distress may order that the Costs of the Proceedings for the Recovery of the Rate or Sum shall be paid by the Person liable to pay such Rate or Sum, and such Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of such Rate or Sum. Costs of Distress.

CLXXXI. That any Number of Names and Sums may be included in any Warrant of Distress or Notice obtained or given by the Commissioners for any of the Purposes of this Act, and may be stated Several Names in One Warrant.

stated either in the Body of the Warrant or Notice or in a Schedule thereto, and any such Warrant may be in the Form in the Schedule (D.) to this Act annexed, or to the like Effect.

Power to give Notices by Placards.

CLXXXII. That the Commissioners, instead of publishing in a Newspaper any Notice by this Act directed to be published, may, if they think fit, post printed Copies thereof at the Office of the Commissioners, and in other public Places within the Town.

Saving Rights of Lord of Manor of Rochdale and Rochdale Market Company.

CLXXXIII. Provided always, That, except as is by this Act expressly provided, this Act or anything herein contained shall not take away, lessen, prejudice, or affect any of the Estates, Rights, Royalties, Jurisdictions, Franchises, Powers, Privileges, or Authorities of the Lord of the Manor of *Rochdale*, or of the Trustees and Proprietors of the *Rochdale* new Market, or either of them.

Saving Rights of the Rochdale Waterworks Company.

CLXXXIV. That, except as in this Act is otherwise enacted, nothing in this Act contained shall prejudice, alter, lessen, or defeat any Powers, Rights, or Privileges which now belong to or are vested in the *Rochdale* Waterworks Company under or by virtue of "The *Rochdale* Waterworks Act, 1847," or any Act or Acts incorporated therewith.

Expenses of Act.

CLXXXV. That all the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be defrayed by the Commissioners out of the first Monies in their Hands applicable for any of the Purposes of this Act: Provided always, that the Commissioners shall apportion those Expenses between and debit therewith the Gasworks Account, the Cemetery Account, the Paving and Sewering Account, and the General Purposes Account respectively, as they think reasonable.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

CERTAIN Land or Ground situate in the Hamlet of Chadwick in the County Palatine of Lancaster, bounded on the Northerly Side by a Brook called Red Brook, and by Lands belonging respectively to Robert Leech and the Trustees of the Bury Free Grammar School on the Southerly Side by the Turnpike Road leading from Bury to Rochdale; on the Easterly, South-easterly, and North-easterly Sides by Land belonging to Clement Royds, Esq., situate on the Easterly Side of the Road or Way leading from the Rochdale and Bury Turnpike Road to Passmonds; and on the Westerly and North-westerly Sides by Closes of Land respectively called Sour Field Meadow, Acre, Good Field, and Lower Field, otherwise Farmost Field.

SCHEDULE (B.)

Tolls for Use of Weighing Machines.

	s.	*d.*
For every Waggon or Four-wheeled Carriage, with the Loading thereof, the Sum of	–	4
For every Cart or Two-wheeled Carriage, with the Loading thereof, the Sum of	–	2

SCHEDULE (C.)

Tolls for Use of Slaughter-houses.

	s.	*d.*
For every Ox, Cow, Bullock, Steer, or Heifer	1	–
For every Calf	–	6
For every Sheep or Lamb	–	3
For every Hog or Pig	–	4
For any other Beast	1	–

SCHEDULE (D.)

Form of Warrant of Distress.

The Rochdale Improvement Act, 1853.

to } To the Chief Constable and other the Constables in Rochdale, and the Collectors of any of the Rates for any of the Purposes of the Act [*or otherwise*].

Rochdale, to wit. } WHEREAS the Sum of £ is due from *A.B.* of, *&c.* [*or* the several Sums respectively set opposite to the Names of

of the several Persons herein-after named are respectively due from *A.B.* of, *&c.*, *C.D.* of, *&c.*] to the Rochdale Improvement Commissioners in respect of [*here state generally on what Account the Sum is due, or the several Sums are due, as, for instance,* the repairing, by the Order of the Commissioners, of dangerous Premises in Yorkshire Street in Rochdale, of which the said *A.B.* is the Owner, *or* the Amount duly assessed on him by a Rate, made on or about the Day of *as the Case may be*], which he has [*or* they have] not paid, as appeareth upon Oath to me, the undersigned, One of Her Majesty's Justices of the Peace for the County of Lancaster; and the said *A.B.* [*or* the said several Persons] having been duly summoned to appear before me to answer the Premises, and not having shown any sufficient Cause why such Sum [*or* several Sums] should not be paid; These are therefore, in Her Majesty's Name, to require you and every of you forthwith to levy the said Sum of £ [*or* the said several Sums so respectively set opposite to the Names of the said several Persons herein-before named, and also the Sum of [£] the Costs of proceeding to obtain this Warrant, by Distress and Sale of the Goods and Chattels of the said [*A.B.*] [*or A.B., C.D, &c.*], and your reasonable Charges of taking, keeping, and selling such Distress, rendering to the Owner [*or* respective Owners] the Overplus, if any, on Demand; and if sufficient Distress cannot be found of his [*or* their respective] Goods and Chattels, you are to certify the same to me, with this Warrant, that such further Proceedings may be had therein as the Law directs. Given under my Hand and Seal, this Day of .

(L.S.)

	Cemetery Rate.	Rate for Paving and Sewering.	Rate for General Purposes.	Private Improvement Rate.	Total.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
A. B. - - - -					
C. D. - - - -					

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