CHAPTER cxci.

An Act to extend the Borough of Stalybridge and to confer further Powers upon the Corporation of that Borough. A.D. 1881.

[11th August 1881.]

WHEREAS an Act was passed in the ninth year of King George the Fourth intituled "An Act for lighting watching and other- "wise improving the Town of Stalybridge in the Counties Palatine "of Lancaster and Chester and for regulating the Police thereof "and for establishing and regulating a Market and erecting a "Market Place within the said Town" and the said Act is hereinafter called "the Act of 1828": 9 Geo. 4. c. xxvi.

And whereas the said town of Stalybridge is now a municipal borough under the local government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

And whereas the powers conferred by the Act of 1828 upon the Commissioners constituted by that Act have been transferred to the Corporation under and by virtue of the Act of the twentieth and twenty-first Victoria chapter fifty intituled "An Act to amend the "Acts concerning Municipal Corporations in England":

And whereas under and by virtue of the Ashton-under-Lyne Stalybridge and Dukinfield (District) Waterworks Acts 1870 and 1875 the Ashton-under-Lyne Stalybridge and Dukinfield (District) Waterworks Joint Committee supply water within the borough and adjoining places and the Corporation are represented upon that committee: 33 & 34 Vict. c. cxxxi. 38 & 39 Vict. c. lxvii.

And whereas it is expedient that subject to the provisions of this Act power should be granted to the Corporation for borrowing money for private improvement expenses and also for street improvements and highway purposes:

And whereas an estimate has been prepared by the Corporation for the execution of street improvements and for highway purposes within the borough and such estimate amounts to twenty thousand pounds and such works are permanent works within the meaning

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38 & 39 Vict. c. 55.

of section two hundred and thirty-four of the Public Health Act 1875:

And whereas it is expedient that the borough should be extended so as to include the district of the Stayley local board in the county of Chester and the hamlets of Heyrod and Ridgehill and Lanes in the parish of Ashton-under-Lyne in the county of Lancaster:

And whereas it is expedient that further provisions should be made for the government of the borough as contained in this Act:

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

And whereas such resolution was published twice in the said "Evening Reporter" and has received the approval of the Local Government Board in respect of matters within the jurisdiction of that Board and the approval of one of Her Majesty's Principal Secretaries of State in respect of other matters:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the twenty-fourth day of January one thousand eight hundred and eighty-one being not less than fourteen days after the deposit of the Bill in Parliament:

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

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

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

PART I.

Preliminary.

Short titles.

1. The Act of 1828 may be cited as the Stalybridge Improvement Act 1828 This Act may be cited as the Stalybridge

Extension and Improvement Act 1881 And the Act of 1828 and this Act may be cited together as the Stalybridge Improvement Acts 1828 and 1881. A.D. 1881.

Commencement of Act.

2. This Act except as herein otherwise provided shall take effect on its passing.

Interpretation.

3. In this Act—

"The existing borough" means the borough of Stalybridge as existing at the passing of this Act and "the existing sanitary district" means the urban sanitary district of the existing borough:

"The added district" means the district added to the existing borough by this Act:

"The borough" and "the sanitary district" mean respectively the municipal borough and the sanitary district of Stalybridge as altered and extended by this Act:

"The Corporation" means the mayor aldermen and burgesses of the borough:

"The council" means the council of the borough:

"The town clerk" "the treasurer" "the surveyor" "the medical officer of health" and "the inspector of nuisances" mean respectively the town clerk the treasurer the surveyor the medical officer of health and the inspector of nuisances of the borough:

"The local board" means the local board for the district of Stayley in the county of Chester:

"The Municipal Corporations Acts" means the Act of the session of the fifth and sixth years of the reign of King William the Fourth intituled "An Act to provide for the "regulation of Municipal Corporations in England and "Wales" and all Acts for the time being in force amending the same or otherwise relating to municipal corporations in England and Wales: 5 & 6 Will. 4. c. 76.

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

"Street" applies to and includes any highway and any road public bridge (not being a county bridge) lane footway square court alley open place passage whether a thoroughfare or not whether made before or after the commencement of this Act but does not apply to or include any road or approach to the station or premises of a railway or canal company so far as such road or approach belongs to such railway or canal company:

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27 & 28 Vict. c. xlvii.

"Waterworks mortgages" means any mortgages granted by the Corporation under the Ashton-under-Lyne and Stalybridge (Corporations) Waterworks Act 1864 and the Ashton-under-Lyne Stalybridge and Dukinfield (District) Waterworks Acts 1870 and 1875:

Terms to which meanings are assigned in any enactment wholly or partially incorporated with this Act or which have therein special meanings have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction and in this Act and for the purposes of this Act (in enactments incorporated with this Act) the terms "superior courts" or "court of competent jurisdiction" or any other like term shall have effect as if the debt or demand with respect to which it is used were a common simple contract debt and not a debt or demand created by statute.

Act is to be executed by council.

4. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council and according to the Municipal Corporations Acts the Public Health Acts and other Acts respectively for the time being affecting the Corporation as a municipal body and as a sanitary authority respectively and with all the rights powers privileges exemptions and authorities conferred by those Acts respectively on the Corporation or on the council and committees of the council and the officers agents and servants of the Corporation with respect to matters provided for by or comprised in the Municipal Corporations Acts the Public Health Acts and other Acts respectively and as nearly as may be in all respects as if the powers duties exemptions and property vested in imposed on or enjoyed by them by or under this Act were vested in imposed on or enjoyed by them by or under the Municipal Corporations Acts the Public Health Acts and other Acts respectively.

PART II.

Alteration and Extension of the Borough.

Local board dissolved, &c.

5. The local board are hereby dissolved but nothing in this section shall affect any right title obligation or liability acquired or accrued before the passing of this Act or any remedy or proceeding in respect thereof and the same may be enforced and carried on by or against the Corporation instead of by or against the local board as the case may require as if this section had not been enacted

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and as if the Corporation instead of the local board had been parties or privy thereto But subject to the provisions of this Act the accounts of the local board up to the twenty-fifth day of March one thousand eight hundred and eighty-one shall be audited by the proper officer of the Local Government Board in like manner and subject to the like right of appeal as if this Act had not been passed.

Property of local board &c. transferred to Corporation.

6. Subject to the provisions of this Act all lands pipes works erections buildings rights privileges powers duties liabilities and easements moneys securities deeds contracts agreements papers books plans property chattels choses in action effects claims and demands rights and remedies whatsoever which immediately before the passing of this Act were vested in the local board or of or to which the local board were seised possessed or entitled either at law or in equity or otherwise howsoever shall be and the same are hereby vested in the Corporation to the same extent and for the same estate and interest as the same respectively were at the time of the passing of this Act vested in the local board and may be held recovered used and enjoyed and shall be undertaken exercised and performed accordingly.

Conveyances &c. to remain in force.

7. Subject to the provisions of this Act all conveyances leases deeds appointments contracts agreements mortgages bonds covenants securities orders notices resolutions and proceedings made or entered into before the passing of this Act to with in favour of or by for or on behalf of the local board as the case may be and now in force shall be and remain as good valid and effectual in favour of against and with reference to the Corporation and may be proceeded on and enforced in like manner to all intents and purposes as if the Corporation instead of the local board as the case may be had been party or privy thereto.

Actions &c. not to abate.

8. Any action suit prosecution or other proceedings whatsoever commenced either by or against the local board before the passing of this Act shall not abate or be discontinued or prejudicially affected by this Act but on the contrary may be maintained prosecuted or continued by in favour of or against the Corporation in like manner to all intents and purposes as if this Act were not passed or as if the Corporation instead of the local board were parties to such action suit prosecution or proceeding.

Rates due at passing of Act to be recoverable.

9. All rates which immediately before the passing of this Act are due and payable or accruing due and payable to the local board and surveyors of highways for the hamlets of Heyrod and Ridgehill and Lanes shall from and after the passing of this Act be

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payable to and may be collected and recovered by the Corporation in like manner as near as may be as they might have been collected and recovered if this Act had not been passed.

Debts due to and by the local board to be paid to and by the Corporation.

10. All persons who immediately before the passing of this Act owe any sum of money to the local board shall pay the same with all interest (if any) due or to accrue due for the same to the Corporation and subject to the provisions of this Act all debts and moneys which immediately before the passing of this Act are due or owing by or recoverable from the local board or for the payment whereof the local board are or but for this Act would be liable shall be paid with all interest (if any) due or to accrue thereon by or be recoverable from the Corporation.

Regulations &c. to remain in force.

11. All byelaws rules regulations notices and orders made by the local board and in force on the passing of this Act shall continue in full force until the same be repealed altered or varied and until such repeal alteration or variation such byelaws rules regulations notices and orders and all penalties and forfeitures thereby respectively imposed shall be enforced and recovered by the Corporation in like manner in all respects as the same respectively might have been enforced and recovered by the local board if this Act had not been passed.

Books to be evidence.

12. All books and other documents directed or authorised by any Act of Parliament to be kept by the local board or any person or persons on behalf of the added district or any part thereof and which at the passing of this Act would be receivable in evidence shall notwithstanding anything in this Act contained be admitted as evidence before all judicial tribunals and elsewhere accordingly.

Extension of borough.

13. On and after the commencement of this Act and subject to the provisions of this Act the district of the local board the hamlet of Heyrod .in the parish of Ashton-under-Lyne in the county of Lancaster and the hamlet of Ridgehill and Lanes in the said parish of Ashton-under-Lyne shall be added to the existing borough and the existing sanitary district and be included within and form part of the borough and sanitary district for all purposes whatsoever (except the levying of poor rates) and the said hamlets shall cease to elect a surveyor of highways and shall for all purposes cease to be included in or to form part of any sanitary district other than the sanitary district of the Corporation.

Wards &c. in extended borough.

14. On and after the commencement of this Act the borough shall be divided into four wards having the names and boundaries set forth and described in Part I. of the First Schedule to this Act and those wards shall thereafter be respectively represented in the

council by the number of councillors mentioned in conjunction with each ward in that schedule and the regulations in Part II. of the same schedule respecting the aldermen and councillors and other matters shall have effect.

Deposit of borough plan.

15. A plan of the borough as altered and extended by this Act and showing the different wards a copy of which has been deposited in the Parliament Office of the House of Lords and in the Private Bill Office of the House of Commons shall within two weeks after the passing of this Act be deposited with the town clerk at his office.

Copies of deposited borough plan to be evidence.

16. Any copy of the said plan deposited with the town clerk certified by him to be a true copy or any extract therefrom certified by him to be true shall be received in all courts of justice or elsewhere as primâ facie evidence of the contents of such plan and such plan shall at all reasonable times be open to the inspection of the persons liable to rates imposed by the Corporation and all persons so liable shall be entitled to a copy of or extract from such plan certified by the town clerk on payment of a reasonable fee for every such copy or extract.

Authority of Corporation &c. extended.

17. Subject to the provisions of this Act all real and personal property at the commencement of this Act vested in the existing Corporation or council in any capacity for the benefit of the existing borough is hereby vested in the Corporation but subject to all debts liabilities interests and obligations affecting the same or any part thereof or the existing Corporation or council in respect thereof and all the jurisdiction powers rights privileges authorities and duties of the Corporation as a municipal body and as acting in the execution of the Act of 1828 or of such other Acts as are at the passing of this Act in force within the existing borough and of the Corporation acting by the council as the sanitary authority for the existing sanitary district and of the mayor and any other justice of the peace for the borough and of all officers and servants of the Corporation shall extend to and throughout the borough and the sanitary district and subject to the provisions of this Act all enactments and orders immediately before the commencement of this Act in force within or applicable to the existing borough and existing sanitary district shall (subject to any future repeal or amendment of the same) extend and apply to the borough and the sanitary district.

Certain provisions not to apply to added district. 18 & 19 Vict. c. viii.

18. Notwithstanding anything in this Act contained section twenty-five of the Act of 1828 and so much of section thirty-six of the Stalybridge Gas Act 1855 as relates to the rates to be demanded by the Stalybridge Gas Company for lighting or supplying with gas

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the streets within the town of Stalybridge shall not extend or apply to or within the added district.

Town clerk and other officers continued.

19. The town clerk and all other officers and servants of the Corporation whether as the municipal corporation or as the existing sanitary authority shall continue to be town clerk officers and servants of the Corporation and shall hold their offices and situations in the same manner as at the passing of this Act.

Power of Corporation to levy rates.

20. Subject to the provisions of this Act all rates which the Corporation are under the Act of 1828 the Municipal Corporations Acts or the Public Health Acts or any other Act of Parliament authorised to order make or levy and which but for the passing of this Act would be made raised and levied throughout the existing borough shall and may from and after the passing of this Act be made raised and levied respectively by the Corporation throughout the borough.

Added area exempt from highway and other rates.

21. On and after the passing of this Act and subject to the provisions thereof all lands houses tenements and hereditaments within the added district and all persons in respect of the same shall be exempt from—

(*a*) All highway rates to be made in respect of either of the said hamlets:

(*b*) All rates or contributions to be levied by virtue of any precept issued by or for the purposes of the rural sanitary authority of the Ashton-under-Lyne Union:

(*c*) All liability to county rates or other rates leviable by the justices of the peace of and for the counties of Lancaster and Chester respectively except only to the extent and for the purposes to and for which the existing borough is liable to such rates at the passing of this Act.

Exemption from rates not to affect rates payable before commencement of Act.

Provided that the aforesaid exemptions shall not exempt any person from the payment of any rate assessed and payable before the passing of this Act but subject to the provisions of this Act all such rates assessed and payable before that date shall be paid and recovered as if this Act were not passed.

Apportionment of debts and liabilities.

22. The Local Government Board may on the application of either the Corporation or the rural sanitary authority of the Ashton-under-Lyne Union apportion between the Corporation and the said rural sanitary authority in such manner as the said Board think most equitable any debts or liabilities charged upon the said hamlets in common with the remaining district of the said sanitary authority.

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Added district not liable to waterworks mortgages.

23. All lands houses tenements and hereditaments within the added district and all persons in respect of the same shall not be liable to the waterworks mortgages or stock to be substituted for such mortgages or to any rate or rates for the purpose thereof nor for any damages claims or demands payable or to be made in respect of waterworks and if at any time the income of the Corporation from the joint committee be insufficient to meet the charges thereon such deficiency shall be made up by the Corporation by means of a special water rate to be made and levied within the existing borough only and all the estate right title and interest of the Corporation of or in any waterworks undertaking and all profits which may be derived by the Corporation on waterworks account shall belong to and be applied exclusively for the benefit of the ratepayers within the existing borough or in relief of rates leviable therein and this Act shall not be deemed to include the added district within the contributory district for the purpose of water rents.

PART III.

Stamford Park.

Stamford Park.

24. The Corporation jointly with the mayor aldermen and burgesses of the borough of Ashton-under-Lyne if and when that Corporation are empowered for that purpose may accept and hold the lands in the parish of Ashton-under-Lyne known as Stamford Park and situate partly in the borough and partly in the borough of Ashton-under-Lyne for such estate and interest therein and upon such terms and conditions as may be agreed upon between them and the trustees or persons having the management of the said park.

Joint committee.

25. The said two corporations may for the purpose of managing and regulating the said park and of exercising the powers of this Act in relation thereto appoint a joint committee of their own members who may subject to any conditions contained in the deed or other instrument under which they shall hold the park have the management and regulation thereof and may make byelaws with respect to the maintenance regulation and management thereof the preservation of order therein and otherwise in relation thereto and may impose any reasonable penalty not exceeding in any case five pounds for the breach of any such byelaw.

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PART IV.

Lighting.

Electric lighting.

26. The Corporation may by means of electricity or other like agency produce and supply light for any purposes for which under the Act of 1828 they may supply gas and for this purpose they may use any land which they may purchase under the Act of 1828 for gasworks and may erect and maintain any necessary works and plant provide hire and use machinery engines or other apparatus acquire hold and use licenses (not being exclusive) for the use of any patented inventions machinery or apparatus or relative to the production manufacture utilization supply and distribution of electric light and any other like agent: Provided that the powers conferred by this section shall be exercised during a period of five years only from the first day of September one thousand eight hundred and eighty-one.

Further provisions as to electric lighting.

27. In the exercise of the powers conferred upon the Corporation by this part of this Act the following provisions shall have effect:—

1. All expenses from time to time incurred by the Corporation in carrying this part of this Act into effect shall be charged on and all receipts received by the Corporation under this section shall be carried to the credit of the borough fund:

2. The Corporation may from time to time for the purposes of this section borrow at interest on the security of the borough fund and borough rate such sum or sums as the Corporation from time to time find requisite not exceeding in the whole the sum of ten thousand pounds and they may mortgage the said fund and rate as a security for the repayment of money so borrowed with interest accordingly The provisions of this Act relating to the borrowing re-borrowing and repayment of borrowed moneys shall extend and apply mutatis mutandis to the moneys borrowed under the powers of this section except that the period for the repayment of such money shall be ten years from the passing of this Act:

3. The Corporation shall keep accounts in respect of electric lighting separate from all their other accounts and shall in such accounts distinguish their expenditure on revenue or capital account and shall apply all money from time to time received by them in respect of their electric lighting

undertaking except borrowed money as follows (that is to say):—

First. In payment of their costs charges and expenses of and incidental to the borrowing of money under this section;

Secondly. In payment of the working and establishment expenses and cost of maintenance of their electric lighting undertaking;

Thirdly. In payment of the interest on money borrowed for the purposes of this section;

Fourthly. In providing the requisite instalments or sinking fund for repayment of such borrowed moneys;

Fifthly. In providing if they think fit a reserve fund by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in securities in which they are by this Act authorised to invest sinking funds and accumulating the same at compound interest until the fund so formed amounts to one thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from their electric lighting undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of one thousand pounds and so from time to time as often as such reduction happens;

And shall carry to the borough fund any balance remaining in any year and the annual proceeds of the reserve fund when amounting to one thousand pounds:

4. The money borrowed under this section shall be applied for the purposes for which it is authorised to be borrowed and generally for objects to which capital money is properly applicable and for no other purposes:

5. Nothing in this section shall prevent any person corporation or company from doing on premises owned or occupied by him or them anything for the purpose of producing electric light for use on such premises which he or they could have lawfully done if this Act had not passed:

6. If any injury shall arise to any railway or canal or to any lands property stations wharves bridges towing-path or

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works of such railway or canal or any unnecessary interruption to the traffic thereon respectively by the exercise of the powers contained in this part of this Act the Corporation shall make full compensation to the railway or canal company so injuriously affected in respect of such injury or interruption the amount of such compensation to be recoverable by such company or companies (as the case may be) from the Corporation with the costs of recovering the same by all and the same means as any simple contract debt is or may be recoverable.

Works affecting railways and canals.

28. Any pipes tubes wires or other works or plant to be laid down set up or executed by the Corporation in exercise of the powers conferred by this part of this Act as also all repairs and renewals thereof crossing or in any way affecting any railway or canal or any lands property stations wharves bridges towing-paths or works now or hereafter belonging to or used or occupied by any railway or canal company or companies shall be done under the superintendence and to the reasonable satisfaction of the engineer of such company or companies but in all things at the expense of the Corporation and so as to cause no injury to any such railway canal lands property stations wharves bridges towing-paths or works or interruption to the passage or conduct of traffic on or over any such railway or canal or at any station thereof and only according to such plans and at such times as shall be reasonably approved by him before any such works are begun or as in case of dispute shall be settled by the Board of Trade.

Corporation not to be exempt from general Acts.

29. Nothing in this Act shall exempt the Corporation from the provisions of any general Act relating to lighting by electricity or other similar means which may be passed in this or any future session of Parliament.

Corporation not to be exempt from indictment for nuisance.

30. Nothing in this Act shall exempt the Corporation from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them in the exercise of the powers contained in this part of this Act.

Provision for protection of the Postmaster General.

31. With respect to any work for the purpose of electric lighting done in pursuance of this Act the following provisions shall have effect :—

1. It shall not be lawful for the Corporation to do any such work whereby any telegraphic line of the Postmaster General is or may be injuriously affected and before any such work is done within ten yards of any part of a telegraphic line of the Postmaster General the Corporation or

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their agents not more than twenty-eight nor less than fourteen days before commencing such work shall give written notice to the Postmaster General specifying the course and nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster General for the purpose of preventing any telegraphic line of the Postmaster General from being injuriously affected by the said work:

2. Any difference which arises between the Postmaster General and the Corporation or their agents with respect to any requirements so made shall be determined by the Board of Trade whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company: 31 & 32 Vict. c. 119.

3. In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:

4. Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the work was done a notice of the execution thereof stating the reason for executing the same without previous notice:

5. For the purposes of this section a telegraphic line of the Postmaster General shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such work or by any use made of such work:

6. For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Corporation were undertakers 41 & 42 Vict. c. 76.

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within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

PART V.

Slaughter-houses.

Power to provide slaughter-houses.

32. It shall not be lawful for any person except with the consent of the Corporation to slaughter for sale any cattle or to dress for sale the carcase of any cattle in any place within the borough other than a slaughter-house provided or licensed by the Corporation or to use any place within the borough as a knackers' yard unless licensed by the Corporation for that purpose and if any person acts in any respect in contravention of this enactment he shall for every such offence be liable to a penalty not exceeding five pounds: Provided that if under the powers of this Act the Corporation shall prohibit the slaughtering for sale of cattle or the dressing for sale the carcase of any cattle in any slaughter-house or knackers' yard existing and used for the purpose at the passing of this Act they shall make compensation to the owner and any lessee thereof and the amount of such compensation unless agreed between the Corporation and the party entitled thereto shall be determined as in a case of disputed compensation under the Lands Clauses Consolidation Act 1845.

8 & 9 Vict. c. 18.

Apprehension of persons treating animals cruelly.

33. If any person wantonly or cruelly tortures beats ill-treats or abuses any animal in any slaughter-house or knackers' yard within the borough any officer of the Corporation on view thereof without any warrant other than this Act may apprehend him and take him before a justice of the peace to be dealt with according to law.

Power to license slaughter-houses.

34. With respect to the licensing of slaughter-houses and knackers' yards the following provisions shall have effect (namely):—

1. The Corporation may from time to time grant licenses for the use of buildings or premises as slaughter-houses or knackers' yards and they may demand a sum not exceeding five shillings for any such license for twelve months and in the like proportion for any shorter period and they may grant such licenses upon such terms and conditions and subject to such restrictions as they by the respective licenses shall specify:

2. They may by order revoke or suspend the license for any slaughter-house or knackers' yard when in their opinion the same is a nuisance:

3. In case of any such revocation or suspension the Corporation shall give notice thereof to the owner or occupier of such slaughter-house or knackers' yard:

4. If any person slaughters or dresses for sale any animal in any slaughter-house or knackers' yard the license for which is suspended or revoked he shall be liable to a penalty not exceeding five pounds:

5. If any slaughter-house or knackers' yard is not used as such for the space of three months the license thereof shall be deemed to have lapsed.

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

35. Nothing in this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Act 1878 or of any Order License or Act of Her Majesty's Privy Council made granted or done or to be made granted or done thereunder or of any order regulation license or act of a local authority made granted or done or to be made granted or done under any such Order of the Privy Council or exempt the slaughter-houses to which this Act relates or any of them or any building or thing whatsoever or any body or person from the provisions of any general Act relating to animals now in force or to be passed in this or any future session of Parliament.

PART VI.

The laying out and sewering of New Streets and the erection of New Buildings and other Matters.

Definition of buildings.

36. In this part of this Act the expression "building" shall include any erection or construction of a permanent character whether of masonry brickwork wood iron or other materials and whether under or above the natural ground level and whether intended for human habitation or for trade or any other purpose whatever and shall include bridges viaducts aqueducts and other such works but this part of this Act shall not apply to any building not being a dwelling-house used by a railway or canal company as a part of or in connexion with their railway or canal nor to any bridges viaducts aqueducts and other such works which belong or are to be maintained by any railway or canal company The expression "party wall" shall mean a wall forming part of a building and being used or constructed to be used in any

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part of the height or length of such wall for separation of adjoining buildings.

New buildings.

37. The expression "new building" shall include any building the erection whereof is begun after the commencement of this Act and the re-erecting wholly or partially of any building pulled down to within ten feet of the surface of the adjoining ground or any building of which only the framework is left down to the ground floor and any addition to or external alteration of any existing building so far as regards such addition or alteration and the conversion into a dwelling-house of any building not originally constructed for human habitation and the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only shall be deemed the erection of a new building.

Buildings abutting on streets.

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

Notices plans &c. of new streets.

39. Every person who intends to lay out a new street shall give one calendar month's notice to the Corporation of such intention by writing left at the surveyor's office and shall at the same time leave there the following documents (namely):—

1. A plan of the street on a scale of one inch to thirty feet showing its proposed name and the names of the owners of the lands through or over which the street will pass its level width direction carriage and foot ways mode of construction front building line and its position relatively to the streets nearest to it and the proposed plan and dimensions of the sewers and of the grids for carrying off surface water:
2. A section of the street and also cross sections of the ends thereof on the scale above mentioned and on a vertical scale of one inch to ten feet showing the level of the then surface of the ground above some known Ordnance bench mark the level and inclinations (for a distance of twenty yards on each side from the centre of such intended street) of any existing streets with which it will be connected the level size and form at and of which the sewer is proposed to be made in such street and the level size and form of every known existing sewer to be connected therewith:

Every such plan and section shall be drawn on tracing cloth in ink and contain the name and address of the person intending to lay out the street and be signed by him or his authorised agent and shall be deemed part of the aforesaid notice.

Notices plans &c. of new buildings.

40. Every person who intends to erect a new building shall give fourteen days' notice to the Corporation of such intention in writing left at the surveyor's office before beginning to dig the foundation thereof and shall at the same time leave there the following documents (namely):—

1. A detailed plan and section of the building on a scale of one inch to eight feet showing every floor and the positions and forms of the several parts the windows doors and thickness of the walls the waterclosets privy drains ashpits and all outbuildings and other appurtenances showing the then and also the intended level of the ground line of the yard or other ground belonging thereto and the levels of the several floors of the intended building and the widths and levels of the adjoining streets and passages:
2. A description of the means of water supply the intended mode of drainage showing the lines of house drainage the size depth and inclination of the drains and the means of outlet therefrom:
3. A block plan on a scale of one inch to thirty feet showing the position of the streets buildings and appurtenances immediately adjoining the intended building and of the yard or ground belonging thereto:

Every such drawing plan and section shall be drawn on tracing cloth in ink and shall contain the name and address of the person intending to erect the building and be signed by him or his authorised agent and shall be deemed part of the aforesaid notice.

Plans &c. deposited, to belong to Corporation.

41. In all cases the plans and sections deposited as aforesaid with the Corporation or their surveyor shall be retained by the Corporation unless the same have been supplied in duplicate when one copy of such plans and sections shall be returned with the notice of approval or disapproval signed by the chairman of the committee of the Corporation to whom such plans and sections may be referred.

Power of Corporation to disapprove plans &c.

42. If the Corporation disapprove of any proposed new street or building or the plans and sections thereof or any part thereof they shall within one calendar month after receiving the notices aforesaid give notice in writing to the person depositing such plans

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and sections of the particulars of such disapproval and of the requirements of the Corporation in respect of the proposed work and it shall not be lawful to begin to make or lay out any street or erect any new building or to construct any sewer drain privy cesspool or ashpit until the plans and sections shall have been approved of by the Corporation and no person shall without the consent of the Corporation deviate from any approved plan or section: Provided that if the Corporation do not within the said period of one month after the deposit of any such plans and sections give notice of disapproval in manner aforesaid they shall be deemed to have approved such plans and sections.

Corporation may attach conditions to approval of plans, &c.

43. The Corporation may attach to their approval of the plans and sections of any new building any conditions as to alterations in or additions to the sanitary arrangements to be made for such building in the course of its erection and also in the case of dwelling-houses any restrictions as to the number of separate dwellings for which the same may be used.

Duration of approval.

44. If any new building the plan for which has been approved by the Corporation shall not be completed so as to be fit for use or occupation within two years from the date of such approval fresh notice and approval shall unless the Corporation otherwise determine be requisite as if notice and approval had never been given.

Service of notice on Corporation.

45. Except where otherwise expressed to the contrary any notice to or demand on the Corporation under this part of this Act may be served on the Corporation by being delivered to the town clerk or by being sent through the post in a registered letter directed to the town clerk in which latter case service shall be deemed to be effected on the Corporation on the day on which such letter would be delivered in the ordinary course of post.

Hours for notices, &c.

46. Where by this part of this Act it is required that any notice plan or other instrument be left at the office of the town clerk or surveyor the same shall be left there within the hours of ten o'clock in the forenoon and five o'clock in the afternoon on any week day except Saturday and between the hours of ten o'clock in the forenoon and one o'clock in the afternoon on a Saturday. Christmas Day Good Friday Easter Monday Whit Friday and Whit Saturday are however excepted days on which no notices shall be given or sent to the Corporation.

Construction of streets and sewers.

47. The level of every new street and the level size and form of every sewer in every new street and the materials to be used in the construction and making of every such street and sewer respectively shall be subject to the approval of the Corporation and it shall not

be lawful to construct any new street or sewer otherwise than in accordance with such approval and every new street shall be laid out and formed at least twelve yards wide.

Continuations of existing streets to be deemed new streets.

48. Every continuation of an existing street shall be deemed a new street and shall be of the full width at the least of the street of which it shall be a continuation.

No buildings to be erected until datum stones laid.

49. After the width and level of any new street shall have been approved of by the Corporation and before any new building adjoining or fronting such portion of the street as is actually opened and laid out for building shall be erected or commenced stones twelve inches in width and at least twenty-four inches in depth shall where practicable be laid and fixed by the person laying out such portion of the street at distances not exceeding thirty yards apart on each side of the carriage road of the portion of the street in the line and to the level of the intended curb-stone.

Drain to be constructed before buildings erected.

50. Every person who has made or laid out any street shall construct a drain therein for surface water in accordance with this part of this Act at least co-extensive with the building plots as they are from time to time let or taken if a proper outlet for such drain can be provided. He shall also provide and lay down in the street in such places as the surveyor of the Corporation shall determine grids for carrying off the surface water from the said street. No person shall let for occupation any new building upon any plot of land in the said street until the surface drainage of the street shall have been completed to the satisfaction of the Corporation.

Gardens forecourts &c. to be fenced off from streets.

51. Whenever the person erecting any building shall be desirous of leaving any opening or placing any steps or other projections in any forecourt area or space left in front of such building such forecourt area or space shall be well and sufficiently fenced off from the footpath or street by a railing or parapet or dwarf wall and palisades or otherwise to the satisfaction of the Corporation but where such garden forecourt area or space is free from any steps or other projections the extent of the same or such portion thereof as the person erecting the building may not wish to give to the street shall be defined by the owner by a line of stones or other suitable material three inches or thereabouts wide by twelve inches or thereabouts deep laid flush with the surface of the footpath the object of this enactment being that footpaths shall be freed from objectionable obstructions and the owner of the building secured of his full rights over any land he may wish to retain in front of his building.

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Coal-shoots &c.

52. No coal-shoot area or cellar grating or opening shall be hereafter placed in the footway or carriageway of any street except with the consent in writing of the surveyor and then only if formed of the materials and size and in the manner and in such position and with such protection as may be approved by him in writing.

Notice of irregularity.

53. If in the making of a new street or sewer or drain or the execution of any work connected therewith anything is done in contravention of this part of this Act or anything thereby required is omitted the surveyor may within forty-eight hours after obtaining knowledge thereof give to the person making the street or his agent notice in writing requiring him within a time to be specified in the notice to amend what has been so done in contravention or to do what is so required and such person shall comply in every respect with the requirements of such notice. No sewer or drain in any new street shall be covered up (unless approved of in the meantime by the surveyor) until after the expiration of two days' notice in writing to be given to the surveyor and the like notice shall be given after the works which may have been required by the surveyor to be done in amendment of any irregularity have been completed and before such sewer drain or works shall be covered up.

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

54. Every person intending to build or take down any building or to alter or repair the outward part of any building in any street or court shall before beginning the same unless the Corporation otherwise consent in writing cause close-boarded hoards or fences to the satisfaction of the Corporation to be put up in order to separate the building from the street or court with (if the Corporation so require) a convenient covered platform and handrail to serve as a footway for passengers outside of such hoard or fence and shall continue such hoard or fence with such platform and handrail as aforesaid standing and in good condition to the satisfaction of the Corporation during such time as in their opinion the public safety or convenience requires and shall when required by the Corporation in order to prevent accidents cause the same to be sufficiently lighted during the night and shall remove the same when required by the Corporation.

No hoard to be put up without consent &c.

55. It shall not be lawful for any person without the consent of the Corporation first obtained to put or keep up in a street or court a hoard or fence or scaffold for any purpose or any post bar rail board or other thing by way of inclosure for the purpose of making mortar dressing stone or of depositing bricks lime rubbish or other materials.

Penalty for not lighting deposits of building materials or excavations.

56. It shall not be lawful for any person without the consent of the Corporation first obtained to lay any building materials rubbish or other thing or make any excavation on or in any street or court and when with such consent any person lays any building materials rubbish or other thing or makes any excavation on or in any street or court he shall at his own expense cause the same to be sufficiently fenced and a sufficient light to be fixed in a proper place on or near the same and to be continued every night from sunset to sunrise and shall remove such materials or thing or fill up such excavation (as the case may be) when required by the Corporation and if any person fails to comply in any respect with the requirements of this enactment the Corporation may remove any such materials or thing or fill up such excavation (as the case may be) and recover the expenses from the offender in addition to any penalties for breach of this enactment.

Foundations —Damp-course.

57. Where any new house shall be erected upon land on which no dwelling-house shall have been previously erected the soil shall if required by the Corporation or their surveyor be excavated and removed to the depth of fifteen inches at the least from the floor-line and in approving the plans of any such new house the Corporation may attach to their approval a condition that a layer of good concrete or other hard material of such thickness as they think fit shall be spread thereon and well rammed before the floor is laid and that it shall have a course of lead slate or other impervious material for a damp-course laid immediately above the ground-line in each external wall.

Level of the ground floor.

58. The level of every part of the ground floor of every new dwelling-house shall be at least six inches above the level of the edge of the footway or street adjoining such dwelling-house whether there be a cellar to such dwelling-house or not and the floor of every cellar in such house shall be laid with flags or some other material to be approved by the Corporation or their surveyor: Provided always that no person shall proceed with the erection of any new building above the floor-line until the Corporation or their surveyor shall have certified in writing that such floor-line is in accordance with the plans approved of: Provided that such certificate shall be given if the building so far shall have been constructed to the satisfaction of the Corporation within seven days after receipt of notice of completion to the floor-line.

Strength of external and party walls.

59. The walls of every new building shall be constructed of such thickness as shall be approved by the Corporation and the foundation thereof shall rest on solid ground or upon concrete or other

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solid sub-structure: Provided always that the external walls of every dwelling-house shall not be less than eleven inches in thickness: Provided also that all party walls shall be at least four and a half inches in thickness and be carried up to or above the roof.

Strength of inner walls.

60. The inner walls of every new building shall be constructed of brick stone or other hard and incombustible substance at least four and a half inches in thickness and shall be properly bonded and solidly put together with good mortar or cement and all return walls shall be properly bonded together unless the Corporation shall otherwise allow in cases in which it may appear to them that no danger would exist of the spread of fire.

Height of external walls.

61. Any external wall of a new building to be used as a warehouse or manufactory the roof or gutter of which shall adjoin any other house or building shall be carried up above such roof or gutter to form a parapet of not less than nine inches in thickness and twelve inches in height measured at right angles to the slope and above the covering of such roof or above the highest part of such gutter and such parapet wall shall be so coped as to prevent any damp from rain-fall.

Woodwork in external or party walls.

62. All joists beams or other woodwork fixed in or upon any external or party wall (except beams or bressummers and storey posts under the same and frames of doors and windows) shall have at least four and a half inches of wall hold and shall not be brought within four inches of the external face of such wall unless with the previous sanction of the Corporation.

Bearings of bressummers or beams.

63. Every bressummer or carrying beam shall have a bearing on the direction of its length of nine inches at the least at each end upon a sufficient pier of brick or stonework in cement.

Projections.

64. No pilaster plinth cornice or other part of any new building or of any new front or addition to any existing building shall project or encroach over any footway or highway unless allowed by the Corporation or beyond the distance (if any) which shall be prescribed by the Corporation.

Removal of projections over streets. 10 & 11 Vict. c. 34.

65. Sections sixty-nine and seventy of the Towns Improvement Clauses Act 1847 incorporated with the Public Health Act shall with respect to the borough extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projections from or at any building and whether erected before or after the passing of this Act which is in the opinion of the

Corporation dangerous or is an obstruction to the safe and convenient use of any street. A.D. 1881.

Chimneys and flues.

66. Every flue and chimney shall be constructed of good brick or stonework and mortar well grouted and shall not have any opening into it between the fireplace and the top thereof except for ventilation and no timber shall be placed within four and a half inches of the interior of any such flue or chimney and every fireplace in any room with a board floor shall have the hearth tiles or slabs of such fireplace bedded on mortar making a total thickness of not less than five inches and such tiles or slabs shall extend in length at least nine inches on each side beyond the opening of the fireplace and shall extend from the back of such opening to a distance of eighteen inches at least in front of the chimney breast.

Roofs.

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

Height of buildings.

68. No new building shall without the approval of the Corporation be erected on the side of any street which shall exceed in height the distance from the front of such building to the opposite side of such street nor shall the height of any building at any time erected on the side of any street be at any time subsequently increased without such approval as aforesaid so as to exceed such distance. In determining the height of a building the measurement shall be taken from the level of the centre of the street immediately opposite the centre of the front of the building up to the top of the parapet or to the eaves of the roof as the case may be. In case of a gable facing the street the measurement shall be to a point half way between the level of the eaves and the ridge. In the case of a roof which slopes away from the street at any greater angle to the horizon than fifty degrees the measurement shall be to the ridge of the roof and not to the eaves.

Height of rooms.

69. In any building to be erected every habitable room except rooms in the roof shall be in every part nine feet in height at the least from the floor to the ceiling and every habitable room in the roof of any such building shall be at the least nine feet in height from the floor to the ceiling throughout not less than one half the area of such room.

Special ventilation of small rooms.

70. Every habitable room hereafter built shall have at least one window which shall be made to open directly into the external

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air to the full extent thereof and the top of which shall be not less than seven feet and six inches from the level of the floor and the total area of such window or if there be more than one of the several windows clear of the sash-frames shall be equal at the least to one tenth of the floor area of such room If such room be of less area than one hundred superficial feet and without a fireplace it shall be provided with special means of ventilation by air shaft or otherwise as the Corporation may approve.

Ventilation &c. of public buildings.

71. Every building now used or intended to be used as a place of public amusement or entertainment or for holding large numbers of people for any purpose whatever shall be provided with ample and convenient means of ventilation and ingress and egress to be approved by the Corporation.

Construction of house drainage.

72. The drainage of all new houses and buildings shall consist of the best glazed stoneware or glazed fireclay socket pipes and shall be connected with the sewers in such manner as the surveyor shall direct and beneath houses they shall be embedded in and surrounded with concrete No right angle junctions whether vertical or horizontal shall be formed.

Ventilation and construction of drains and waste-water pipes.

73. The drains of every new building shall be provided with proper means of ventilation by special pipes or shafts No communication shall be allowed with the drains within such building (except with drains from the cellar) except through the apparatus of any watercloset in connexion with such building. Every other pipe for carrying off waste water whether from a sink bath lavatory or cistern shall be taken through an external wall to discharge in the outer air over a gully-grating at a suitable distance and every gully-grating or other inlet to the drain shall be properly trapped.

Drainage of subsoil and prevention of damp.

74. The house drainage shall be so constructed either with additional earthenware pipe drains or otherwise as to drain the subsoil of the premises and all rain-water shall be so drained or conveyed from the roofs of buildings as to prevent its dripping on to the ground and causing dampness in the walls or being a nuisance or an annoyance to passengers.

Yards of houses.

75. Every new building intended to be used as a dwelling-house shall have directly attached thereto and wholly in the rear thereof and separated from the adjoining premises by a brick or stone fence at least four feet and six inches high an open space exclusively belonging thereto to the extent of at least one hundred and forty square feet free from any erection thereon above the level of the ground. Where such building does not exceed twenty-four feet

in height measured from the floor line to the eaves of the building the distance across such open space between the building and fence wall at the rear parallel to the building shall be ten feet at the least. If such building be more than twenty-four feet in height but do not exceed thirty-four feet the extent of the open space shall be two hundred and twenty-five feet at the least and the distance across shall be fifteen feet at the least. If such building be more than twenty-four feet in height the extent of the open space shall be two hundred and twenty-five feet at the least and the distance across shall be twenty feet at the least. Provided always that the area of the yard or open space in each case shall not be less than one third of the area of the ground covered by the house for which such yard or space shall be left. When however thorough ventilation of such open yard or space is secured or when on the re-erection of buildings within the town these dimensions cannot be adhered to without considerable sacrifice of property they may be modified at the discretion of the Corporation.

Continuance of space for dwelling-houses.

76. Wherever any yard or open space has been left belonging to any building for the erection of which the sanction of the Corporation has been obtained such yard or space shall not afterwards be built upon without the sanction of the Corporation and where an existing dwelling-house has an open yard or space belonging to it not greater than that required by this part of this Act for new dwelling-houses that space or any part thereof shall not be built on without the approval of the Corporation and where such a dwelling-house has an open yard or space belonging to it greater than that required by this part of this Act for new dwelling-houses that yard or space or any part of it shall not be built on so as to leave for that dwelling-house a less yard or space than that required by this part of this Act for new dwelling-houses without the sanction and approval of the Corporation being previously obtained.

Passage between yards of back-to-back houses.

77. In every case where the backs of new dwelling-houses or the yards thereto do not abut upon a street there shall be a passage at least ten feet wide immediately at the back or side thereof and every such passage shall be open uncovered and free from obstruction throughout its entire length and communicate with a street and where practicable at each end with a street.

Water-closets privies and ashpits.

78. Except as herein otherwise provided every new building shall be provided with a separate water-closet earth closet pan-closet or privy and ashpit accommodation. Every pan-closet privy and ashpit shall be in the yard attached to such building. Every privy

A.D. 1881. shall have an opening as near to the top as practicable communicating directly with the external air or shall be furnished with other proper means of ventilation Every water-closet or earth-closet in a building shall be constructed in such a position that one of its sides at the least shall be an external wall. Every water-closet or earth-closet in connexion with a building whether the situation of such water-closet or earth-closet be or be not within such building shall have in one of the walls thereof a window of not less dimensions than two feet by one foot exclusive of the frame and opening directly into the external air.

Privies &c. for manufactories.

79. Every building used as a workshop manufactory or school whether erected before or after the commencement of this Act shall be provided with at least one privy and one urinal for every sixty males or fractional part thereof employed therein or attending thereat and with at least one privy for every forty females or fractional part thereof employed therein or attending thereat.

Rooms over privies or ashpits not to be used as dwelling or sleeping rooms.

80. No room built before or after the commencement of this Act any portion of which extends immediately over any privy cesspool midden or ashpit shall be occupied as a dwelling or sleeping or work room and no person shall after the expiration of one month after the commencement of this Act wilfully occupy or knowingly suffer to be occupied as a dwelling or sleeping or work room any such room.

Prevention of lock-up shops &c. being used for habitation.

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

Buildings unfit for human habitation.

82. If the medical officer of health or any two medical practitioners shall by writing certify to the Corporation that any building or part of a building is unfit for human habitation the Corporation may cause a notice of such a certificate to be served on the owner or occupier of such building or part of a building and appoint a time for him to appear and answer the same before them

and upon such appearance or in default thereof may by their order affixed conspicuously on the building or part of the building declare that the same is not fit for human habitation and the same shall not after a date therein to be specified be inhabited and after the date or time mentioned in such order no person shall let or continue to let or wilfully occupy or knowingly suffer to be occupied such building or part of a building: Provided always that if at any time after such order has been made the Corporation shall be satisfied that such house has become or been rendered fit for human habitation they may revoke their said order and the same shall thenceforth cease to operate.

Notice of completion of works and buildings.

83. After any new building has been completed and before the same is used or occupied the owner shall give notice thereof to the surveyor who shall proceed to survey such building and report thereon to the Corporation.

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

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

Power of inspection.

85. The surveyor and his assistants may at any reasonable time inspect any building in progress of construction or any work connected therewith and for such inspection he and they shall have all requisite use and assistance of ladders scaffolding plant and labourers' service in and about the building or works inspected.

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The owner or his agent or the builder shall give forty-eight hours' notice in writing to the surveyor before the commencement of the building and before any foundation of a new building or any drain belonging thereto is covered up and the like notice after any work required by the Corporation to be done in amendment of any irregularity has been completed and before the same is covered up.

Power to regulate materials and workmanship.

86. The Corporation shall have control over the materials (including mortar cement and concrete) and workmanship employed in every new building and may reject or disapprove of such materials or workmanship if the adoption or continuance of the same is likely to prove prejudicial to the stability of the building or to the health of the inhabitants thereof and if any person uses or continues to use any materials or workmanship so rejected or disapproved he shall be liable to a penalty not exceeding twenty pounds and in case of such continuance to a daily penalty not exceeding ten pounds.

Power of surveyor on inspecting.

87. If the surveyor on inspecting any building or work find that the same is so far advanced that he cannot ascertain whether anything has been done contrary to the provisions of this part of this Act or the plans and sections approved by the Corporation or whether anything required by this part of this Act or by such plans and sections has been omitted to be done the surveyor may within forty-eight hours after such inspection give to the owner or his agent or to the builder or person engaged in erecting such building or doing such work notice in writing requiring such builder or person within forty-eight hours from the date of such notice to cause anything done contrary to this part of this Act or to such plans and sections to be amended or to do anything required to be done by this part of this Act or by such plans and sections but which has been omitted to be done or to cause so much of any building or work as prevents such surveyor from ascertaining whether anything has been done or omitted to be done as aforesaid to be to a sufficient extent cut into laid open or pulled down and such builder or other person shall forthwith comply with the notice so given: Provided always that in case the surveyor shall neglect to inspect any building or work within forty-eight hours after notice has been served upon him pursuant to this Act or if he shall neglect to inspect any other building or work before the same is so far advanced that he is unable to inspect without cutting into laying open or pulling down the same the expense of cutting into laying open or pulling down as the case may be any such building

or work shall be borne and paid by the Corporation if it shall appear on inspection that the provisions of this part of this Act have not been infringed. A.D. 1881.

Notice in case of irregularity.

88. If in the erecting of a building or the execution of any work connected therewith anything is done in contravention of this part of this Act or anything thereby required is omitted the surveyor may within forty-eight hours after obtaining knowledge thereof give to the owner of the building or his agent or the builder notice in writing requiring him within a time specified in the notice to amend what has been so done in contravention or to do what is so required and every such owner or agent or builder shall comply in every respect with the requirements of such notice.

Height of chimneys.

89. With respect to the height of chimneys the following provisions shall have effect (that is to say):—

1. Every new chimney of whatever material used or intended to be used in connexion with any workshop or manufactory or in connexion with any trade or business shall be of such reasonable height as the Corporation may prescribe:
2. Any person who shall offend against any provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding five pounds for every day during which such offence shall continue.

Penalties.

90. Every person offending against this part of this Act whether he be the owner agent architect builder contractor workman labourer servant or other person employed in or about any works shall be liable to a penalty not exceeding five pounds and in the case of a continuing offence to a further penalty not exceeding forty shillings for every day during which such offence continues after the expiration of twenty-four hours from the service of notice on him by the Corporation: Provided always that if any such agent architect builder contractor workman labourer servant or other person has acted in relation to any such offence with the privity or consent of the owner or person causing or directing the work to be done he shall not be liable to any penalty under this part of this Act.

PART VII.

Sanitary Arrangements—Infectious Diseases.

Cesspools.

91. No cesspool shall be made or continued except when in the opinion of the Corporation the making or continuance thereof shall

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be unavoidable and when any cesspool shall be allowed to be made it shall be constructed in such situation and in such manner as the Corporation shall direct and it shall in every case be made water-tight. It shall be arched or covered over and a pipe or shaft for ventilation shall be carried up from it or from the drain communicating with it from the water-closet to the satisfaction of the Corporation. All cesspools receiving the soil or drainage of any closet or privy must be emptied deodorised and filled up with approved material as soon as there shall be a sewer belonging to the Corporation within one hundred and fifty feet of any part of such premises fit to receive the drainage of such premises.

Sanitary pans &c.

92. The Corporation may if they think fit authorise or require the use of a sanitary pan or pan-closet or ash-tub in any case in which they are authorised to require the use of a privy water-closet earth-closet or ash-pit and may from time to time order any privy water-closet earth-closet or ash-pit or like accommodation to be altered by the owner thereof according to such system as they may approve into a pan-closet or ash-tub and they may prescribe the size and materials of which such pans or tubs shall be constructed and the times of removing and replacing the same and the provisions of this Act and the Public Health Act with respect to the providing of privies water-closets earth-closets or ash-pits shall apply mutatis mutandis in the case of sanitary pans or pan-closets or ash-tubs the use of which may be required by the Corporation: Provided that if the Corporation order to be altered any privy water-closet earth-closet ash-pit or other like accommodation which has been approved by them the cost of such alteration shall be defrayed by the Corporation.

Penalty on injuring a privy.

93. If any person shall injure or improperly foul any privy water-closet earth-closet pan-closet ash-pit ash-tub or ash-place used in common by the occupiers of two or more dwelling-houses or any tub or receptacle for belonging to or connected with such privy water-closet earth-closet pan-closet ash-pit or ash-place he shall for every such offence be liable to a penalty not exceeding forty shillings.

Power to order privies &c. to be filled up.

94. When any building shall be provided with a suitable water-closet or earth-closet or sanitary-pan or pan-closet or ash-tub or other like accommodation as aforesaid to the satisfaction of the Corporation they may order that any existing privy or ash-pit shall be filled up by the owner or occupier of the building and some means provided by such owner or occupier to the satisfaction of the Corporation for facilitating the removal by the Corporation of the nightsoil and ashes and if such owner or occupier do not

within one month next after notice of such order comply with the same he shall be liable to a penalty not exceeding forty shillings and to a penalty not exceeding twenty shillings for every day during which the default continues and in case of such default the Corporation may if they think fit execute the works necessary for carrying out the order and the expenses incurred by them in so doing shall be repaid to them by such owner or occupier and shall be recoverable as a penalty under this Act is recoverable.

Prevention of nuisances.

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

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

96. In addition to all powers vested in the Corporation the Corporation may if the surveyor or inspector of nuisances shall report in writing to the Corporation that any house or building is not provided with a proper sink or drain or other necessary appliances for carrying off refuse water from such house or building by notice require the owner of such house or building in the manner and within the time to be specified in such notice to provide such sink drain or other appliances. If any such owner shall neglect to comply with such notice within the time therein appointed he shall be liable for every such offence to a penalty not exceeding five pounds and a further penalty of forty shillings for every day during which such offence shall continue.

Pipes from slop-stones to be disconnected from sewers.

97. Every pipe from any slop-stone in a building erected before as well as after the passing of this Act shall where practicable be carried through the external wall of such building and be constructed so as to discharge in the open air outside such building over a gully-grating at a suitable distance and every gully-grating or other inlet to the drains shall be properly trapped Provided always that with respect to a building erected before the passing of this Act any penalty for an offence against the provisions of this section shall not be enforced unless default has been made for fourteen days in complying with a notice from the Corporation requiring

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the owner or occupier of such building to comply with the provisions of this section.

Opening of ill-ventilated courts.

98. The Corporation for the purpose of opening a close or ill-ventilated court or other place may from time to time take by agreement any building in the borough and remove the same and execute all necessary works making compensation to owners and occupiers for any injury sustained by them by reason or in consequence of the execution of the powers of this section. Any compensation under this section shall in case of difference be settled by arbitration.

Entrances to courts &c. not to be closed &c. without consent of Corporation.

99. The entrance to any court or place not being a highway repairable by the inhabitants at large shall not at any time after the commencement of this Act be closed or narrowed or built over or the height or headway thereof lowered without in each case the consent of the Corporation in writing.

Power to purchase buildings unfit for human habitation.

100. The Corporation if they think fit may purchase or otherwise acquire by agreement any building (including the site and appurtenances thereof) which is in their opinion unfit for human habitation and capable of being used for that purpose and the Corporation may from time to time sell lease exchange or otherwise dispose of any property so purchased or acquired in such manner for such consideration and on such terms and conditions as they may think fit and carry the produce thereof to the credit of the borough fund.

Defining "infectious disease."

101. In this part of this Act the expression "infectious disease" means and includes all or any of the following diseases (that is to say)—small-pox cholera scarlet fever scarlatina diphtheria typhus fever enteric or typhoid fever and puerperal fever.

Notice to be given of persons suffering from certain diseases.

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

1. If any such inmate be suffering from any such disease the occupier or person having the management or control of such building or if the inmate so suffering be himself the occupier then the person in charge of such inmate shall so soon as he shall become aware of the existence in any such inmate of any such disease forthwith give notice to the medical officer of health or to the inspector of nuisances at his office of the existence in such inmate of such disease:

2. If such inmate be not a member of the family of such occupier or person the head of the family (resident in such building) to which such inmate belongs or if there be no such head or if such head be prevented by illness then such inmate (unless prevented by reason of such disease or of youth and in such case the person having the care or charge of such inmate) shall on becoming aware of the existence in such inmate or in his own person as the case may be of such disease forthwith give notice thereof to such occupier or person :

3. The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising in the borough forms for the certificate or declaration by such medical practitioner of the particulars herein-after mentioned in relation to such cases according to the form set forth in the Fifth Schedule to this Act :

4. Every medical practitioner attending on or called in to visit such inmate shall on becoming aware that such inmate is suffering from any infectious disease forthwith fill up sign and send to the medical officer of health or to the inspector of nuisances at his office a certificate or declaration stating according to the forms presented and supplied to him by the Corporation the name of such inmate the situation of such building and the name of such occupier or person and the nature of the disease from which such inmate is suffering :

5. The Corporation shall pay to every medical practitioner who shall in pursuance of this section duly make and give any such certificate or declaration a fee of two shillings and sixpence for every such certificate or declaration :

And any person who shall wilfully and without reasonable cause offend against any of the provisions of this section shall for every such offence be liable to a penalty not exceeding forty shillings.

Powers as to suspected persons.

103. It shall be lawful for any constable to apprehend without a warrant any person found within the limits of the borough having in his possession or conveying in any manner anything which may be reasonably suspected of being stolen or unlawfully obtained and to bring such person with all convenient speed before a court of summary jurisdiction and if such person shall not give an account to the satisfaction of the court how he came by the same he shall be liable to a penalty of not more than five pounds or in the discretion of the court may be imprisoned with or without hard labour for any term not exceeding two months.

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Penalty on persons obstructing footway.

104. If three or more persons shall be assembled together in any street at any time of the day or night so as to obstruct the free passage of foot passengers along any footway of such street or for the purpose of assaulting insulting or annoying foot passengers and if any of such persons shall not comply with the direction or request of any constable to move away so as to leave the footway clear and unobstructed or shall assault insult or annoy any foot passenger he shall be liable to a penalty not exceeding five pounds.

Goods not to be rested on footways &c.

105. No goods or other articles shall be allowed by any person to rest on any footway or other part of a street within the borough so as to cause obstruction or annoyance to the passage of the public along the same for a longer time than is absolutely necessary for loading and unloading such goods and other articles.

Street traffic.

106. The following provision with respect to traffic in the streets of the borough shall have effect (that is to say):—

The mayor of the borough may from time to time make regulations for the route to be observed by all carts carriages horses cattle and persons and for preventing obstruction of the streets and give directions to the constables for keeping order and for preventing obstruction in the neighbourhood of the Town Hall theatres and places of public resort:

The Corporation may from time to time make byelaws for all or any of the following purposes (namely):—

For prohibiting entirely or at certain times any cart or carriage from coming into or passing along any street in which any public building is situate during specified hours:

For regulating the speed of carts and carriages during specified hours and generally for regulating street traffic in the borough:

For regulating the size and construction of advertising vans and for regulating and if thought fit prohibiting the passage through the streets of such as the Corporation deem objectionable:

And any person guilty of any breach of such regulations or byelaws or who does not comply with the direction of any constable or officer acting in pursuance of such regulations shall be liable to a penalty not exceeding five pounds: Provided that by any regulation or byelaw to be made under this section the free passage of traffic from or to any railway station or canal wharf or premises shall not be obstructed or interfered with.

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Licensing of hawkers &c.

107. The Corporation may from time to time if they think fit grant to any person a license to sell or expose for sale in a place (other than a market-place or market-house or in his own dwelling-house or shop) or from door to door any article in respect of the sale or exposure for sale whereof in any market-place or in respect of the user of any stall or other convenience for the sale or exposure for sale whereof in any market-place any toll stallage or rent is leviable or payable to the Corporation every such license being granted on such terms and conditions as the Corporation think fit and to endure for a period not exceeding twelve months and to be revocable in such case as the Corporation prescribe and the Corporation may demand and take for every such license for a period of twelve months any sum not exceeding one pound and in like proportion for any shorter period and if any person other than a licensed hawker does any act for which such a license is authorised without having obtained such license or does any act in contravention of or omits to do anything required by any license granted to him he shall be liable on summary conviction to a penalty not exceeding forty shillings for every day on which any such offence is committed by him.

Byelaws.

108. The Corporation may from time to time make and enforce byelaws for all or any of the following purposes (that is to say):—

For providing for and regulating the cleansing emptying and disinfecting of privies ashpits and receptacles for the deposit of fæcal and refuse matter:

For prescribing the times for the removal or carriage through the streets of any fæcal offensive or noxious matter or liquid and the construction and manner of using any vessel or vehicle used therefor and to compel the cleansing of any place whereon such matter or liquid shall have been dropped or spilt in such removal or carriage:

For prohibiting the placing erecting or use of privies under any room used or intended to be used or capable of being used as a work-room:

For regulating the construction and ensuring the safety of platforms and of temporary stands erections and scaffoldings in on and over streets and places and in on or over private lands:

For prohibiting the erection of hoardings for the exhibiting thereon of advertisements other than hoardings for the exhibition of placards bills or other notifications of or relating or with reference to railway or canal traffic or announcements

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of a public character to be put up or placed in any railway station or canal wharf or the curtilage or boundary of any such station or wharf or the approaches thereto without the consent of the Corporation and for regulating the placing of advertisements on any hoardings other than as aforesaid:

For regulating the loading or unloading of goods in upon or over any public highway or any part thereof and whether by hand or by means of a crane or other apparatus for loading and unloading hoisting or lowering goods.

PART VIII.

Apportionment Collection and Recovery of Street Improvement Expenses.

What to be deemed private improvement expenses.

109. The expression "private improvement expenses" shall in and for the purposes of this Act mean and include all works of levelling paving sewering channelling and other street improvement expenses at any time incurred by the Corporation for the repayment whereof any owner or occupier is liable under any enactment or byelaw or under any agreement with or by reason of any application of such owner or occupier.

Corporation may take payment of private improvement expenses by instalments.

110. The Corporation may by resolution at any time or from time to time allow to any person liable to the payment of private improvement expenses time for the payment thereof or of any part or parts thereof and may accordingly order the same to be repaid in one sum or by such instalments as the Corporation think fit with such interest for the sum or sums for the time being unpaid as the Corporation may determine not exceeding five pounds per centum per annum but all sums for the time being remaining unpaid shall nevertheless at the expiration of the periods allowed for their repayment be recoverable as the same would have been recoverable had no such time been allowed and with respect to any such instalment the time limited for the recovery of private improvement expenses shall be deemed to run only from the time when such instalment becomes due.

Successive owners to continue liable.

111. Successive owners of the lands houses or other property for or in respect of which any private improvement expenses have been incurred shall be liable to the Corporation for the payment of the same or such part thereof as may for the time being remain unpaid and interest thereon until the same shall have been fully paid and satisfied and such expenses or such part thereof as may for the time

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being remain unpaid shall constitute a debt due from each successive owner to the Corporation recoverable from him in a summary manner within six calendar months of his succession and after that period may be recovered by the Corporation from the owner for the time being of the lands houses or other property in any court of competent jurisdiction.

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

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

Penalty on occupiers refusing execution of Act.

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

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

114. Whenever default is made by the owner of any building or lands in the execution of any work required by any enactment or byelaw for the time being in force within the borough the occupier of such building or lands may with the consent of the Corporation cause such work to be executed and the expense thereof shall be repaid to such occupier by such owner or such occupier may deduct the amount of such expense from the rent from time to time becoming due from him to such owner.

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Value of existing sewer and streets to be allowed for.

115. In ascertaining the proportion to be paid by any owner of the expenses of freeing from obstruction sewering draining levelling paving or macadamising any street or any part thereof or in doing any of such works the value and efficiency of any such work theretofore done by such owner or by any preceding owner shall be taken into consideration and the surveyor may make such allowance as he may think fit to any such owner and the decision of the surveyor in every such case shall be binding and conclusive on all parties.

Recovery of private improvement expenses.

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

Private improvement expenses to be a charge on lands as if mortgaged.

117. All private improvement expenses notwithstanding that any rate shall have been made for the payment thereof shall also be a charge on the building or lands to which the same relate in priority to any incumbrance or charge on or affecting the same and created subsequently to the day on which the Corporation shall have commenced the works on account of which those expenses shall be payable and the Corporation shall have the like rights and remedies in respect of such charge as if they were mortgagees with power of sale of such building or lands for the amount of such charge.

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

118. If the owner of any building or lands so charged with any private improvement expenses fails for the space of six months after the same become recoverable from him to fully pay the same or if any such owner is or becomes bankrupt or is after diligent inquiry unknown to the Corporation or cannot be found by them then and in every such case and as often as the same happens the Corporation (by way of additional remedy and whether any action or suit or other proceeding against such owner has been brought by them or not) may on or at any time and from time to time after the expiration of one month from service of a notice on such owner or in the case where such owner is unknown or cannot be found after the expiration of one month from the affixing of a notice on some conspicuous part of the said building or land of their intention to put in force the powers of the present section proceed as follows (namely):—

1. The Corporation may enter into receipt of and demand and receive from tenants and occupiers and persons liable the rents and profits of such building or lands and in case of non-payment may use all or any such lawful remedies by way of distress or otherwise for recovering and obtaining payment of the same or any part thereof as may be used by landlords in ordinary cases and may do all things necessary or expedient for recovering and receiving the rents and profits as if they were the owners of the building or lands and the tenants occupiers and persons liable shall pay the rents and profits to the Corporation and the receipt of the treasurer or of any officer of the Corporation appointed in that behalf shall be and shall alone be an effectual discharge for the same:
2. Where any such building or lands is or are unoccupied or unproductive at the time when the Corporation would be entitled under this Act to enter into the receipt of the rents and profits thereof (if any) or at any time afterwards while the claim of the Corporation is unsatisfied then and in every such case and as often as the same happens the Corporation may enter into possession of the building or lands and may occupy inclose and use the same or any part thereof:
3. The Corporation may in order to recover any street or private improvement expenses from time to time let from year to year or for any shorter period any such unoccupied or unproductive building or lands or any part thereof and receive the rents and profits thereof as if they were the owners thereof.

Application of rents and profits received.

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

1. There shall be paid any chief rent payable in respect of the building or lands:
2. There shall be paid thereout all taxes rates assessments expenses of repairs and other outgoings properly payable by the owner in respect of the building or lands (except any chief rent) and all expenses incurred by the Corporation in relation thereto by reason or in consequence of the failure of the owner thereof to pay any such private improvement or other expenses as aforesaid:
3. There shall be paid the interest on all mortgages created prior to and subsisting at the date when the Corporation

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commenced the works on account of which private improvement expenses shall be payable: Provided that in case any such mortgage shall include other property a portion only of such interest on such mortgage shall be paid proportionate to the value of such building and lands such portion to be agreed on between the mortgagee and the Corporation or failing such agreement to be determined by two justices:

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

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

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

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

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

Persons having partial interests may raise expenses by mortgage.

121. All owners of buildings or lands being tenants for life only and all committees of the estates of lunatics and all trustees seized possessed or entitled to any estate or interest either at law or in equity in any buildings or lands for or on behalf of any person or charity (all of whom are in this section included in the expression "mortgagor") may charge such buildings or lands with such sum as may be necessary to defray the whole or any part of any private improvement expenses which the owners of such buildings or lands for the time being are liable to pay and the expenses of making

such charge and for securing the repayment of such sum with interest may mortgage such buildings or lands for the term of twenty years unto or in trust for any person who shall advance such moneys but so that every such mortgage be made with a condition to cease and be void or with an express trust to be surrendered or assigned when the money to be thereby secured with all interest thereon shall have been fully paid and satisfied and so that in every such mortgage there be contained a covenant by the mortgagor to pay and keep down the interest of the money to be secured during his life or the continuance of his interest therein as the case may be and to set aside during such life or continuance as the case may be yearly and every year following the execution of such mortgage one-twentieth part at least of the whole original sum secured by such mortgage in such manner that no person afterwards becoming possessed of such buildings or lands or of any estate or interest therein shall be subject or liable to pay any larger arrear of interest than for six months previous to the time when his title to possession shall accrue or commence or any greater proportion of the original sum secured by such mortgage than the unexpired term of such mortgage doth or shall bear to the whole term mentioned and the amounts annually set aside under the covenants of such mortgage shall be invested in Exchequer bills or other Government securities in the joint names of the mortgagor and the mortgagee and shall accumulate until the whole amount secured by such mortgage can be paid off or until the sum so accumulated shall be accepted by the mortgagee in discharge of the like amount of the principal sum secured by such mortgage and every such mortgagee and his representatives and assigns shall have the like remedies in case of non-payment of the moneys thereby secured as in the case of other mortgages of the like nature. If the mortgagor shall advance or pay the whole amount of the moneys so repayable as aforesaid he shall be deemed to be a mortgagee in respect thereof and shall have the same rights and priority as a mortgagee would have under this section and a certificate of such advance or payment under the hands of the treasurer shall be conclusive proof of the rights of such mortgagee to the extent of the amount certified for under this section.

Private improvement expenses to carry interest.

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

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such interest shall be added to and be deemed part of the private improvement expenses and be recoverable accordingly.

Saving for special contracts between landlords and tenants.

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

Power to borrow for private improvement expenses.

124. The Corporation may in order to provide a fund out of which to meet any expenses declared by them to be private improvement expenses which may be incurred by the Corporation under the powers of this Act or of the Act of 1828 borrow upon security of the borough fund or borough rate or any rates or rate leviable by them such sum or sums of money as they may find convenient and may re-borrow the same from time to time: Provided that they shall not be entitled to have outstanding for the purposes of this section any sum or sums exceeding at one time twenty thousand pounds And they shall keep separate accounts with respect to money so borrowed by them and all moneys received by the Corporation in respect of private improvements executed under this Act or the Act of 1828 shall be applied in payment of the interest or repayment of the principal of money borrowed under this section and any deficiency shall be made good by the Corporation out of highway rates.

PART IX.

FINANCIAL.

Power to borrow for highway purposes.

125. The Corporation may from time to time (in addition to any other money which they are now authorised to borrow) borrow for street improvements and highway purposes on the security of the borough watch police and improvement and highway rates or any of them any sum not exceeding twenty thousand pounds and also such further sum as may be necessary to defray the costs charges and expenses payable by the Corporation under the last section of this Act.

Corporation to collect rates.

126. The Corporation may and shall from and after the passing of this Act and notwithstanding anything in any other Act assess make levy and collect any borough rate and watch rate within the borough payable after the passing of this Act and from and after the passing of this Act and subject to the provisions thereof any borough rate and watch rate police and improvement rate and

highway rate leviable within the borough shall be assessed upon the basis of the rateable value according to the basis of the then next preceding assessment for the relief of the poor: Provided that the Corporation may recover the arrears of any borough rate and watch rate due at the passing of this Act as if this Act had not been passed: Provided also that as regards all the said rates the occupier of any land within the added district used as arable meadow or pasture ground only or as woodlands market gardens or nursery grounds and the occupier of any land within the added district covered with water or used only as a canal or towing-path for the same or as a railway constructed or used under the powers of any Act of Parliament for public traffic shall be assessed in respect of the same in the proportion of one-fourth part only of the rateable value thereof.

Owner may be rated without stating his name.

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

Simplification of collection of rates.

128. From and after the passing of this Act the Corporation may if they think fit assess make levy and collect the several rates leviable by them either as separate rates or together and with any special water rate. Any such rate or rates so made may be in the form given in the Second Schedule to this Act or to the like effect and one demand note may comprise all such rates and such rate or rates may be recovered in the same manner as highway and police and improvement rates are recoverable under the Act of 1828.

Power to issue debenture stock.

129. The Corporation may from time to time resolve that any portion of their debt then subsisting on security of outstanding mortgages or bonds of the Corporation may be converted into debenture stock of the Corporation of like amount either by agreement with the holders of such mortgages or bonds or by paying off the same respectively when due and issuing stock of a corresponding amount instead of re-borrowing the sums so paid off and may also from time to time resolve that the whole or any part to be defined in and by such resolution of the moneys which the Corporation shall have authority to raise by borrowing and which shall not then have been raised shall or may be raised by the creation and issue of debenture stock.

Security for interest on stock.

130. Such debenture stock may subject to the provisions of this Act be made redeemable at such time or times and at such price as

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the Corporation may by the resolution authorising the issue thereof determine and may be charged upon the borough fund and borough rate police and improvement rate and highway rate and upon all rates and revenue of the Corporation whether as a municipal corporation or a sanitary authority and upon the interest of the Corporation in the revenue arising from the waterworks of the Ashton-under-Lyne Stalybridge and Dukinfield (District) Waterworks Joint Committee or any of those securities: Provided that any trustee or trustees of trust funds in which two or more persons are successively interested shall not invest the same in any such redeemable debenture stock at a price exceeding the redemption value of the stock.

Debenture stock.

131. The following provisions shall apply to stock so created and issued and to the holders thereof (that is to say):—

1. Any of the stock shall bear such fixed interest as the Corporation by the resolution creating the same shall determine:
2. The interest shall be payable at the office of the treasurer half-yearly on the twenty-fourth day of June and the twenty-fourth day of December unless either of such days shall fall on a Sunday or a day observed as a public holiday at the Bank of England and in any such case on the following day unless such following day be a Sunday and then on the following Monday:
3. The Corporation shall keep a book to be called "The Register "of Holders of Stalybridge Corporation Debenture Stock" and in such book shall be fairly and distinctly entered from time to time the names of the several corporations and the names and addresses of the several persons respectively entitled to stock together with the amount of the stock to which such holders shall be respectively entitled and the corporate names or surnames of such holders shall be placed in alphabetical order and every holder (and if such holder be a corporation the clerk or agent of such corporation) may at all convenient times peruse such books gratis and may require a copy thereof or of any part thereof and for every one hundred words so required to be copied the Corporation may demand a sum not exceeding sixpence:
4. If any stockholder be by reason of infancy or lunacy unable to give an effectual receipt the receipt in writing of the guardian or committee of his estate shall be a sufficient discharge to the Corporation:

5. The stock shall in all respects both at law and in equity be substituted for and represent the mortgage debts in exchange for or in lieu of which the same shall be granted as aforesaid and the several parties to whom such stock shall be issued shall be possessed thereof upon the same trusts and subject to the same powers provisions charges and liabilities as those upon and to which their respective mortgage debts were immediately before such exchange thereof held and subject and such stock shall accordingly pass or be affected by any will or other instrument disposing of or affecting such mortgage debts:

6. The Corporation shall on demand deliver to each holder of stock a certificate under their common seal stating the amount of stock held by him and the certificate may be in the form in the Third Schedule to this Act annexed or to the like effect and for such certificate the Corporation may demand any sum not exceeding two shillings and sixpence:

7. The certificate of any stock shall be admitted in all courts as primâ facie evidence of the title of the holder thereof to the stock therein specified:

8. If the certificate of any stock be worn out or damaged then on its being produced to the Corporation they may order it to be cancelled and thereupon they shall issue a similar certificate to the person then entitled to the certificate so worn out or damaged or if any such certificate be lost or destroyed then on proof thereof to the satisfaction of the Corporation they shall issue a similar certificate to the person then entitled to the certificate so lost or destroyed and in either case a due entry of the substituted certificate shall be made by the Corporation in the register of stock and for every such substituted certificate the Corporation may demand any sum not exceeding two shillings and sixpence:

9. Stock shall be personal estate and be transmissible and transferable accordingly:

10. No holder of any portion of stock shall have any priority or preference by reason only of the creation or issue of such portion of stock before the creation or issue of any other portion of stock:

11. The Corporation shall not be bound to pay the interest of any stock until the person entitled thereto shall have demanded

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a certificate thereof and no such interest in arrear and not wrongfully withheld by the Corporation shall bear interest.

Transfer of stock.

132. With respect to the transfer of stock the following provisions shall have effect (that is to say) :—

1. Stock may be transferred in any amount divisible by ten pounds and every such transfer shall be by deed duly stamped in which the consideration shall be truly stated and such deed may be according to the form in the Fourth Schedule to this Act annexed or to the like effect :
2. The Corporation shall keep a book to be called "The Register " of Transfers of Stalybridge Corporation Debenture Stock" and every such deed of transfer when duly executed shall be delivered to and be kept by the Corporation and they shall enter a memorial of every such deed of transfer in such book and shall indorse such entry on the deed of transfer (such indorsement to be signed by the town clerk) and shall on demand deliver a new certificate to the transferee and for every such entry of a deed of transfer with such indorsement and with or without such certificate may demand any sum not exceeding two shillings and sixpence and on the request of any transferee an indorsement of the transfer to him shall be made on the certificate of the stock transferred instead of a new certificate being granted and such indorsement being signed by the town clerk shall be considered in every respect the same as a new certificate and until such deed of transfer be so delivered to the Corporation the transferee shall not be entitled to receive any part of the interest on the stock transferred :
3. The Corporation may close the register of transfers for any period not exceeding fourteen days before the twenty-fourth day of June and the twenty-fourth day of December yearly and any transfer made during the time when that register is closed shall as between the Corporation and the transferee but not otherwise be deemed made after that time :
4. If any stock become transmitted in consequence of the death or bankruptcy of any holder thereof or in consequence of the marriage of a female holder thereof or by any lawful means other than by a transfer according to the provisions of this Act such transmission shall be authenticated by a declaration in writing as by this Act provided and until the transmission be so authenticated any person claiming by

virtue thereof shall not be entitled to receive any interest or any part of the stock transmitted:

5. Every such declaration shall state the manner in which and the party to whom the stock is transmitted and shall be made and signed by some credible person before a justice or before a commissioner to administer oaths in Her Majesty's High Court of Justice in England and such declaration shal. be left with the Corporation and thereupon they shall enter the name of the person entitled under such transmission in the register of transfers and for every such entry the Corporation may demand any sum not exceeding five shillings:

6. If the transmission be in consequence of the marriage of a female stockholder the declaration shall contain a copy of the register of such marriage or other particulars of the declaration thereof and shall declare the identity of the wife with the holder of the stock and if the transmission be by virtue of any testamentary instrument or by intestacy the probate of the will or the letters of administration or an official extract therefrom shall with the declaration be produced to the Corporation who shall upon such production in either of those cases make an entry of the declaration in the register of transfers and for every such entry the Corporation may demand any sum not exceeding five shillings:

7. Upon any sub-division of stock by transfer thereof or of any part thereof the Corporation may upon the delivery up to them of the original certificate grant to the transferees or persons entitled new certificates for the portions of stock to which they are respectively entitled and for every such certificate the Corporation may demand any sum not exceeding two shillings and sixpence.

Interest on stock recovered by suit.

133. If the interest of any stock being payable be not paid upon demand thereof in writing made to the Corporation by the holders thereof such holders may sue for and recover the same with full costs of suit in any court of competent jurisdiction.

Receiver may be appointed if arrears remaining unpaid for the time prescribed.

134. If within one month after the interest on any stock or any part thereof has become payable and after demand thereof in writing it be not paid the holder thereof without prejudice to his right to sue for the amount in arrear in any court of competent jurisdiction may require the appointment of a receiver by an application to be made as in this Act provided.

Mode of appointment of receiver

135. Every such application shall be made to the Chancery Division of the High Court of Justice in a summary way by motion

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or petition without the issue of a writ and the said Chancery Division may if it think fit on such application appoint a receiver on such terms and conditions and with such powers as it may think fit and such receiver shall have the same power of assessing and raising and recovering the rates liable to the payment of the interest on the stock as the Corporation or any officer thereof may have and shall apply all moneys received by him after payment of expenses and costs under the direction of the said Chancery Division for the purposes of and in conformity with this Act. The said Chancery Division may at any time discharge such receiver and shall have full jurisdiction over such receiver and the applicant and all persons interested in the acts of the receiver in the same manner and to the same extent as if such receiver had been appointed by the said Chancery Division in an action duly instituted therein.

Corporation may redeem debenture stock.

136. The Corporation may by agreement with any stockholder at any time if they think fit redeem or purchase any portion of the stock and when any portion is so redeemed or purchased an entry of the redemption or purchase thereof shall be made in the register of stockholders. Provided that whenever such portion is redeemed or purchased by means of any sinking fund such redeemed or purchased portion shall be wholly extinguished.

Saving rights.

137. The stock to be created as aforesaid shall be subject to the mortgages and bonds at present existing and affecting the respective securities on which the said stock is charged.

Restricting exercise of borrowing powers.

138. After the conversion of any such mortgages or bonds into stock or after any money shall have been raised by the Corporation by the issue of stock it shall not be lawful for the Corporation to issue mortgages or bonds or any other securities for the amount so converted or raised.

Further provisions as to stock certificate.

139. If the certificate of any stock bear the common seal of the Corporation it shall not be necessary for any person or body to inquire whether the moneys mentioned in the certificate are within the borrowing powers of the Corporation.

Consent of trustees of *incapacitated* persons &c. to conversion.

140. Any person who holds any security granted by the Corporation before the passing of this Act and who is one of the persons enabled by the Lands Clauses Consolidation Act 1845 section seven to sell land under that Act may in the manner and to the extent in the said section provided consent to any arrangement authorised by this Act for the conversion of such security into stock.

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Priority of existing mortgages.

141. Nothing in this Act shall prejudicially affect any charge on any fund of the Corporation or on any rates receivable or leviable by them by way of mortgage or otherwise subsisting at the passing of this Act and every mortgagee or incumbrancer or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence of such charges have priority over any mortgage or charge granted or created under this Act on the same security.

Power to borrow under Local Loans Act 1875. 38 & 39 Vict. c. 83.

142. The Corporation may if they think fit borrow any moneys which they are by any or either of their former Acts or by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another. Any moneys borrowed in manner by this section authorised for any of the purposes of either of their former Acts by the Corporation shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under the powers of such last-mentioned Acts respectively and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875. Every such loan shall be discharged within the time prescribed in that behalf by the Act which authorised the borrowing of the moneys represented by such loan or where no time is prescribed by such Act within such time as the Corporation in each case with the sanction of the Local Government Board determine having regard to the provisions with respect to the setting aside of a sinking fund contained in the Act authorising the borrowing of the moneys represented by the loan and such discharge or any part thereof shall be effected by means of a sinking fund if the Corporation shall so think fit: Provided always that if the Corporation at any time think fit to form any such sinking fund all sums paid into the same shall be as soon as may be invested by the Corporation in the manner in which sinking funds are by this Act authorised to be invested or applied in paying off a portion of the principal moneys owing by the Corporation.

Borrowed money may be repaid by instalments.

143. The Corporation shall pay off all moneys borrowed by them under the powers of this Act except money for the time being borrowed by them on the private improvement expenses account either by yearly or half-yearly instalments or by sinking funds:

A.D. 1881. Provided that when the payment is made by instalments the instalments shall be such as to pay off the loan within the same period as if it were to be paid off by means of a sinking fund under this Act and when the instalments are not equal the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal money of which such instalment or instalments form part shall in every year amount to the same sum.

Sinking fund.

144. In order to discharge such of the money borrowed under the powers of this Act as is to be repaid by means of a sinking fund and for the redemption of stock created under this Act the Corporation shall in every year out of the revenue funds and rates on which such money and stock are respectively charged appropriate and set apart sums to form sinking funds which sums may if the Corporation think fit be accumulated at interest in the hands of the bankers of the Corporation until they shall have amounted to the sum of five thousand pounds and so soon as the same shall have so accumulated they shall and before they have so accumulated they may be invested from time to time and accumulated in the way of compound interest by investing the same respectively in any securities in which trustees are by law for the time being authorised to invest trust moneys or in mortgages or debenture stock of the Corporation. The sums of money so to be set apart shall be such as if invested in the way of compound interest at three pounds and ten shillings per centum per annum would with the accumulations thereof be sufficient after payment of all expenses to pay off such money and to redeem the stock at par in the following periods (that is to say) :—

As to money borrowed and stock created under this Act for street improvements and highway purposes within sixty years from the date of the borrowing of such money or the creation of such stock as the case may be :

As to money borrowed and stock created under this Act for the purpose of paying off or in lieu of money borrowed under any former Act within the period prescribed for paying off such money by the respective Acts :

The Corporation may at any time apply the whole or any part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart or to the redemption of the stock in such order and manner as they deem proper : Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before

prescribed until the whole of the borrowed moneys or stock to which such sinking fund is applicable are discharged or redeemed a sum equal to the interest produced by the sinking fund or part thereof so applied: Provided also that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of such borrowed money then outstanding or of the stock then subsisting the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto:

Any mortgages or stock granted or issued by the Corporation and in or upon which they shall invest any sinking fund shall upon such investment be ipso facto cancelled.

Annual return to Local Government Board with respect to sinking funds.

145. The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be paid as an instalment or to be appropriated or set apart for any sinking fund under this Act or the Local Loans Act 1875 transmit to the Local Government Board a return in such form and verified in such manner as that Board may from time to time prescribe showing the amount which has been paid by instalments or appropriated or invested for the purpose of such sinking fund during the year next preceding the making of such return and the description of the securities upon which the same has been invested and the purposes to which any portion of the moneys invested for the sinking fund or the interest thereof has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds. If it appears to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to make any appropriation or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or the interest thereof to any other purposes than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested or applied by the Corporation as part of the sinking fund and any such order may be enforced by Mandamus to be obtained by the Local Government Board.

Power to re-borrow.

146. If the Corporation pay off any moneys borrowed or redeem any stock issued by them otherwise than by means of a sinking fund or out of the proceeds of the sale of land they may re-borrow the same or re-issue such stock and so from time to time: Provided

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that all moneys so re-borrowed or stock re-issued shall be repaid or redeemed within the period prescribed in the case of the original loan and that the moneys originally borrowed and any amounts from time to time re-borrowed under the foregoing provisions for the repayment of such moneys shall for the purpose of section fifteen of the Local Loans Act 1875 be deemed to form the same loan and the obligations of the Corporation with respect to the repayment of debts by means of instalments or appropriations or of a sinking fund to be set aside in respect of such moneys shall not be in any way affected by reason of such re-borrowing.

Corporation may borrow on specific securities.

147. All moneys borrowed or re-borrowed by the Corporation otherwise than by means of debenture stock may be borrowed and re-borrowed on the security of all or any or any specific part or parts of the securities upon which such moneys are authorised to be charged anything in any former Act or Acts to the contrary notwithstanding.

Corporation not to regard trusts.

148. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register book of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Land sold to be free from loans and consolidated stock.

149. When any land rents or property is or are sold demised or otherwise disposed of by the Corporation the same shall in the hands of any person or body corporate to whom the same shall have been sold and his or their heirs executors administrators successors and assigns be absolutely free from all claims charges or obligations in respect of any debenture stock issued under this Act and such person or body corporate shall not be bound to see to or to inquire into the application by the Corporation of the money arising from such sale or be in any way responsible for the non-application thereof.

Application of money derived from sale of land and premiums.

150. The proceeds of any sale demise or disposition of any land rents or property so far as the same are received on capital account and any premiums received by the Corporation on the issue of

debenture stock shall be applied in paying off money due by the Corporation or in the redemption of stock of the Corporation but the obligation of the Corporation to set aside any sinking fund shall not be affected or diminished by reason of such payment off or redemption.

Special water rate.

151. If at any time after the passing of this Act the income derived by the Corporation from the joint waterworks committee shall be insufficient to meet the payments for the time being due for interest and sinking fund in respect of the waterworks mortgages of the Corporation and also of any stock substituted for any such mortgages the Corporation may and shall levy a special water rate for the purpose of making up any such deficiency and such rate shall be levied within the existing borough only and not within the added district or any part thereof and such special water rate shall be levied along with the borough rate.

Power to levy rates payable by instalments.

152. The Corporation may levy any rate they are for the time being authorised to make either in one sum or payment or by any number of instalments of such amounts and to be paid at such times as they shall from time to time fix and determine at the time of making such rate and in the case of a rate payable by instalments the demand note shall in addition to other requisite particulars state the time appointed for payment of such instalments and all the powers and remedies of the Corporation for the recovery of rates shall extend and apply to each instalment as if the same were a separate rate.

PART X.

Miscellaneous.

Coroner's inquests.

153. Whenever it shall be necessary to hold an inquest upon the body of any person within the borough such body may be taken to any mortuary or other place within the borough appointed by the Corporation for that purpose and the coroner for the time being for the county in which the death shall have occurred or the body shall have been found shall attend and hold an inquest on such body at such mortuary or place in whichever county it shall be situate and for the purpose of such inquest shall have and exercise within the county in which it is held the same powers as he has and may exercise within the county or division for which he acts as coroner.

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Repeal of section 81 of Act of 1828.

154. Section eighty-one of the Act of 1828 is hereby repealed and notwithstanding anything therein contained or in any resolution of the Corporation relating to the portion of highway leading from Stalybridge to Newton to which that section refers the said portion of highway shall from and after the passing of this Act be maintained and kept in repair by and at the expense of the local board for the district of Dukinfield in the same manner as other highways within that district And in consideration of such repeal the Corporation shall pay to the said local board the sum of fifty pounds annually for a period of sixteen years from the passing of this Act.

Repeal of section 69 of Act of 1828 and other provision as to Manchester and Salters-brook Road.

155. Section sixty-nine of the Act of 1828 is hereby repealed and from and after the passing of this Act the following provision shall have effect in lieu thereof The trustees of the Manchester and Saltersbrook Turnpike Road which passes or leads into or through the borough shall from and after the first day of January one thousand eight hundred and eighty-two be exonerated and discharged from the repairs of such parts of the same road as lie within the borough and those parts of that road shall from time to time be repaired maintained supported and kept in repair by the Corporation.

Town clerk may take proceedings in bankruptcy. 32 & 33 Vict. c. 71.

156. The town clerk may institute and prosecute all such proceedings in bankruptcy under the Bankruptcy Act 1869 or any Act amending or substituted for the same as may be necessary to procure to be adjudged a bankrupt any person against whom the Corporation may have any claim or demand or to prove any debt appoint any proxy attend any meeting or receive any dividend in respect of such claim or demand as though such claim or demand were the claim or demand of the town clerk and not of the Corporation.

Form and service of notices by Corporation.

157. Any instrument or document (including any notice order resolution declaration adjudication requisition consent approval disapproval demand for any rate or otherwise determination appointment list roll register return form paper or other document) made given delivered or served under this or any other Act or any byelaw by the Corporation may be either in print or in writing (including lithograph) or partly in print and partly in writing (including lithograph) and shall be sufficiently authenticated by the name of the town clerk of the treasurer or of the surveyor or other proper officer (according to the subject of the particular instrument or document) being affixed thereto in print or in writing (including lithograph) or by a stamp on behalf of the Corporation and it shall

be sufficient in all cases where any such instrument is required to be given to or served on the owner or occupier of any property to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the property (naming it) in respect of which it is given or served without further name or description and any such instrument may be addressed to owners or occupiers of any number of adjoining or neighbouring properties collectively and when so addressed may be served on more owners or occupiers than one (so that separate copies be served on the respective owners and occupiers of the several properties concerned) and any such instrument or document may be served on any owner occupier or other person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate of his last known or usual place of abode or business or in case of an occupier of such property (being a building) to any inmate of such building or if the property is unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such property. Any instrument so served by post as aforesaid shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the instrument or document was properly addressed and posted. Provided always that in the case of a railway company any such instrument or document shall be delivered or sent by post addressed to the secretary to the company at their principal office or place of business.

General provisions as to byelaws.

158. All byelaws from time to time made by the Corporation under the powers of this Act or by the joint committee with reference to Stamford Park shall be made under and according to the provisions with respect to byelaws contained in the Public Health Act 1875: Provided that all byelaws may be partly in print and partly in writing (including lithograph).

Penalty.

159. Any person offending against any of the preceding provisions contained in this Act shall except as otherwise provided forfeit and pay for every such offence a penalty not exceeding five pounds and in case of a continuing offence a daily penalty not exceeding forty shillings.

Proceedings for summary convictions and appeals.

160. Proceedings with a view to the summary conviction of offenders under this Act or under any byelaw of the Corporation or of the joint committee under this Act or to the recovery of penalties (except when otherwise expressed) or of any money or expenses

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authorised to be recovered summarily or any order to be made by justices under this Act or any such byelaw shall be taken according to the provisions of the Summary Jurisdiction Acts.

Appeal.

161. Any person deeming himself aggrieved by any order or determination or the withholding of any consent or approval of the Corporation or of any officer or valuer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal (but in cases where application for relief is authorised to be made to the Corporation then only after such application) to the next practicable court of quarter sessions under and according to the provisions of section two hundred and sixty-nine of the Public Health Act 1875.

Recovery of sums by action.

162. Whenever any person neglects to pay any rate or sum due to the Corporation the Corporation may recover the same with full costs of suit in any court of competent jurisdiction for the recovery of debts of the like amount and the remedy of the Corporation under this enactment shall be in addition to their other remedies for the recovery of such rate or sum.

Proceedings against several persons for the same offence.

163. Where proceedings under this Act are to be taken against several persons in respect of one offence caused by their joint act or default the Corporation may if they think fit include them in one complaint and a justice may if he thinks fit include them in one summons and any order made in such a case may be made on all or any one or more of the persons included in the summons and the costs may be distributed as to the justice appears fair.

Several sums in one summons.

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

Punishment of abettors &c.

165. Where the doing of any act or thing is made punishable by this Act or by any byelaw thereunder the causing procuring aiding or abetting such act or thing to be done shall be punishable in like manner if the nature of the case permits and if an intention to the contrary does not appear in the enactment or byelaw creating the offence.

Penalties on repetition of offences.

166. Where by this Act any pecuniary penalty or other punishment is imposed in respect of any offence described therein then and in every such case if the nature of the case permits and if an intention to the contrary does not appear in this Act such penalty or punishment may be inflicted for every repetition of such offence.

Proceedings when offender refuses to state his name.

167. If any person charged with any offence against the Act of 1828 or this Act or any byelaw thereunder respectively refuses to disclose his name all the necessary proceedings may be had and carried on against him for the recovery of any penalty forfeiture or damage imposed or incurred by the description of his person and of the offence committed without stating his name or if one only of his names is known all necessary proceedings may be had and carried on against him by such name only.

Evidence of previous convictions.

168. The justice before whom any person is convicted of any offence against this Act or any byelaw thereunder respectively may transmit the conviction to the next court of quarter sessions there to be kept by the proper officer among the records of the court and on the prosecution of any person for any subsequent offence a copy of such conviction certified by the proper officer of the court or proved to be a true copy shall be sufficient evidence to prove a conviction for the former offence and such conviction shall be presumed not to have been quashed on appeal until the contrary is shown.

Saving for indictments &c.

169. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act.

Costs of distress.

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

Judge &c. not disqualified.

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

Powers of Act cumulative.

172. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers conferred on them by Act of Parliament charter law or custom and the Corporation may exercise such other powers as if this Act had not been passed. Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

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Expenses of Act.

173. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Corporation out of the borough fund and borough rate and ultimately out of money borrowed under the authority of this Act and such costs shall include any costs of the Stayley Local Board with reference to the Bill for this Act and the costs incurred by the Corporation with the object of complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty (chapter ninety-one) with respect to the Bill for this Act. The money borrowed for the purposes of this section shall be paid off by means of a sinking fund within thirty years from the time when the same is borrowed.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

PART I.

Wards.

Names of Wards.	Extent of Wards.	Number of Councillors.
Lancashire Ward -	So much of the borough as is situate on the north and north-easterly sides of the centre of the present course of the River Tame except the hamlet of Heyrod.	Six.
Stayley Ward - -	So much of the borough as is situate within the several townships of Stayley and Dukinfield and comprised within a boundary line drawn as follows :— Commencing at the centre of Melbourne Street Bridge over the River Tame thence in a southerly direction along Melbourne Street and Princess Street to Grosvenor Street thence in a westerly direction along Grosvenor Street to Vaudrey Street thence in a southerly direction along Vaudrey Street and in a straight line to the boundary line of the borough near Gorse Hall thence in an easterly direction along the borough boundary line to where the same enters the said township of Stayley thence in a southerly easterly and northerly direction along the boundary line of the township of Stayley to a point situate at or near the eastern end of Walker Wood Reservoir thence in a westerly direction to and along Hartley Road to the junction thereof with Huddersfield Road thence in a southerly direction along Huddersfield Road to a point opposite the stone marking the borough boundary at or near to Copley Mill thence following the boundary of the existing borough to the centre of the River Tame and from thence along the centre of the present course of the said river to the centre of Melbourne Street Bridge aforesaid.	Six.
Millbrook Ward -	The said hamlet of Heyrod and that portion of the township of Stayley which is not included within the Local Board District of Mossley or Stayley Ward.	Six.
Dukinfield Ward -	Those portions of the township of Dukinfield and the parish of Ashton-under-Lyne respectively within the borough which are not included within the Stayley Ward or Lancashire Ward.	Six.

Note.—Where in this schedule a street is referred to as a boundary the centre line thereof is meant.

PART II.

REGULATIONS RESPECTING NUMBER, ETC. OF ALDERMEN COUNCILLORS ETC.

1. The borough shall have eight aldermen and twenty-four councillors.

2. For the purpose of the burgess lists burgess roll and other lists to be made after the passing of this Act under the provisions of the Municipal Corporations Acts the added part of the borough shall be deemed to have always formed part of the borough.

3. As regards the existing wards the alterations of the boundaries thereof shall be deemed to take effect as from and immediately after the thirtieth day of June 1881 but all proceedings for elections of councillors before the first day of November 1881 shall be taken as if the boundaries of those wards remained unaltered.

4. The councillors for the existing wards shall subject to the provisions of this schedule continue to be the councillors for the same wards as altered by this Act.

5. On the first day of November 1881 six councillors and on the 9th day of November 1881 two aldermen shall be elected for Millbrook Ward.

6. All the retiring aldermen and councillors shall notwithstanding the alteration of wards if duly qualified be eligible for re-election.

7. The mayor of the borough shall be elected on the ninth day of November 1881 from and out of the aldermen and councillors of the borough.

8. Subject to the regulations of this schedule all elections vacations of office and rotations shall be governed by the Municipal Corporations Acts.

THE SECOND SCHEDULE.

FORM OF RATE.

AN Assessment to Rates under the Stalybridge Extension and Improvement Act 1881, made the day of one thousand eight hundred and

Number of Assessment.	Name of the Person to be rated.		Description of Property.	Situation of Property.	Rateable Value.	Borough Rate at the £.	Watch Rate at the £.	Police and Improvement Rate at the £.	Highway Rate at the £.	*Special Water Rate at* in the £.	Total Rate to be collected.
	Owner.	Occupier.									

THE THIRD SCHEDULE.

CERTIFICATE OF DEBENTURE STOCK.

STALYBRIDGE CORPORATION DEBENTURE STOCK.

Certificate No. Amount £

Registered No.

This is to certify that of is registered in the books of the mayor aldermen and burgesses of the borough of Stalybridge as the proprietor of £ Stalybridge Corporation Debenture Stock created by virtue of the Stalybridge Extension and Improvement Act 1881 bearing interest at the rate of £ per centum per annum payable half-yearly on the twenty-fourth day of June and the twenty-fourth day of December in each year the first payment to be made on the day of next.

Given under the common seal of the mayor aldermen and burgesses of the borough of Stalybridge this day of .

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

All certificates will bear the common seal of the Corporation.

THE FOURTH SCHEDULE.

FORM OF TRANSFER OF STALYBRIDGE CORPORATION DEBENTURE STOCK.

TRANSFER OF STALYBRIDGE CORPORATION DEBENTURE STOCK.

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

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

(L.S.)

(L.S.)

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THE FIFTH SCHEDULE.

CERTIFICATE OF DISEASE, &c.

THE STALYBRIDGE IMPROVEMENT ACT 1881.

To the Corporation of the Borough of Stalybridge.

Pursuant to the above-mentioned Act I hereby certify and declare that in my opinion the under-mentioned person is suffering from *

* Here specify the disease.

being an infectious disease within the terms of section of the above-named Act.

Dated the day of 18 .

(Signed)

Name of person suffering from the disease

Situation of the building wherein such person is

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

Note.—This certificate must (under a penalty in case of neglect of forty shillings) be forthwith sent to the medical officer of the Corporation at his residence or to the inspector of nuisances at his office and delivered to the official clerk or servant who shall be found in attendance there.

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