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Cap. clx.

An Act to amend the Provisions of the *West Bromwich* Improvement Act, 1854, and the *West Bromwich* Improvement Amendment Act, 1855. [29th *June* 1865.]

WHEREAS it is expedient to amend the Provisions of "The *West Bromwich* Improvement Act, 1854," herein-after called the Principal Act, and "The *West Bromwich* Improvement Amendment Act, 1855," by extending the Time during which it shall not be compulsory to consume or prevent the Emission of Smoke in certain Processes of Manufacture, and in reference to the Election, Rotation, Meetings, Powers, and Proceedings of the *West Bromwich* Improvement Commissioners (herein-after called the Commissioners), and to extend and vary the Powers of the Commissioners in some respects, and to increase the maximum Amount of the Sum which may at any Time be due and owing on the Security of the Highway Rate: And whereas the several Purposes aforesaid 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

17 & 18 Vict. c. clxiii.

18 & 19 Vict. c. cxxxviii.

the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Short Title.

1. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The *West Bromwich* Improvement Amendment Act, 1865."

Meaning of Words in this Act.

2. All Words and Expressions used in this Act shall have the same Meanings assigned to them as would be assigned to them if made use of in the Principal Act, or in any Act or Portion of Act incorporated therewith, unless there be something in the Subject or Context repugnant to such Construction; the Word "Rackrent" shall have the same Meaning as is assigned thereto in the Public Health Act, 1848, and the Words "Line of the Street" shall, unless where otherwise prescribed, mean the Line of that Portion, if any, of the Street which shall be wider or more commodious than the remaining Portion: Provided that nothing herein contained shall enable the Commissioners to require any House or Building to be erected or set back in any Street being a Carriageroad to a greater Distance than Five Yards, and in any Street not being a Carriageroad to a greater Distance than Two Yards; and the Word "Surveyor" shall mean the Surveyor for the Time being of the Commissioners.

Power to Commissioners to sell a certain Parcel of Land, and apply the Proceeds for any of the Purposes for which Money borrowed on the Security of the Highway Rate may under the principal Act be applied.

3. And whereas under or by virtue of the Private Act, 41 *Geo.* 3. c. 14., being an Act for dividing, allotting, and inclosing the several Open Common Fields, Common Pastures, Commons, and Waste Lands within the Manor and Parish of *West Bromwich* in the County of *Stafford*, and of an Award made in pursuance thereof, and of the "General Highway Act, 5 & 6 *Wm.* 4. c. 50.," and Section 48 of the "Towns Improvement Act, 1847," the Commissioners are possessed of or entitled to a certain Parcel of Land originally allotted to the Surveyor of Highways of the Parish of *West Bromwich*, for the Purpose of obtaining Materials for the Repair of the Highways, but which is no longer necessary for such Purpose, and it is expedient that the Commissioners should be authorized to appropriate or sell such Land in manner herein-after mentioned: Be it enacted, That the Commissioners may, if and when they shall deem it expedient so to do, appropriate the said Parcel of Land for any of the Purposes for which they are authorized under the Principal Act or otherwise to purchase Land, or may sell the same to such Person and in such Manner as they may think fit, and apply the net Proceeds arising from such Sale, after deducting all Expenses, for

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any of the Purposes for which Money borrowed on Security of the Highway Rate may under the Principal Act be applied: Provided, nevertheless, that such Proceeds shall in no way be applied in exoneration of the Rates authorized by the Principal Act to be levied.

Power to Commissioners to fence or lay out for building, &c. a Parcel of Land belonging to the West Bromwich Union.

4. The Commissioners may, by Agreement with the Guardians or Overseers of the Poor of the Parish of *West Bromwich*, erect a Fence around or make Streets through, and lay out for building, with all necessary Sewers and other Conveniences, a certain Allotment of Land belonging to the said Guardians or Overseers, and all Expense thereby incurred by the Commissioners, together with Interest thereon at the Rate of £5 *per Cent. per Annum*, shall be and the same is hereby charged upon such Land, and shall be repaid out of the net Rents or other Proceeds arising from such Land; or in case the same shall be sold at the Request of the said Guardians or Overseers, then the Balance of such Expense and Interest, if any, shall be repaid out of the net Proceeds arising from such Sale, and subject thereto the Commissioners shall hold the said Land, and the annual and other Proceeds thereof, including the Income arising from the Investment of Monies produced by the Sale thereof, upon Trust for the said Guardians and Overseers, to the Intent that they may apply the Income thereof for the Advantage of the aged Poor, or Children of the Poor, whether Paupers or not, of *West Bromwich*, in some Manner for which Poor Rates are not applicable; and the Commissioners may of their own Authority from Time to Time let such Land, or any Part thereof, to any Person willing to hire the same for any Period not exceeding Seven Years in possession, and may, with the Consent of the said Guardians or Overseers, let such Land or any Part thereof upon Building Leases, for a Term not exceeding Ninety-nine Years from the making thereof, and either with or without first entering into a Contract with any proposed Lessee, and with the like Consent may sell such Land, or the Ground Rents arising therefrom, and with the like Consent may invest the net Proceeds arising from any Sale upon Government or Real Securities: Provided always, that the Seal of the Commissioners having been affixed to any such Lease, Conveyance, Contract, or other Document, shall in favour of any Lessee or Purchaser, or intended Lessee or Purchaser, and their respective Heirs, Executors, Administrators, and Assigns, be conclusive Evidence that the Consent of the said Guardians and Overseers had been duly obtained, and that the Commissioners were authorized to execute such Deed or Document.

Notices of Nomination.

5. The Notice authorized to be delivered to the Returning Officer by the Principal Act (Section 13) shall henceforth be left with the Clerk of the Commissioners instead of such Returning Officer, and such

such Clerk shall thereupon give the Notices by the said Section required to be given by the Returning Officer.

Returning Officer may appoint a Deputy to examine Poll Books.

6. The Returning Officer may appoint a Deputy to do all the Acts except the Declaration of the Poll (and that also if from Illness or other sufficient Cause the Returning Officer be unable himself to declare the Poll), which by "The Commissioners Clauses Act," incorporated with the Principal Act, the Returning Officer is required to do or perform.

Change of Day for Election of Commissioners.

7. The Commissioners shall henceforth be elected on the Third *Friday* in the Month of *August*, instead of the First *Thursday* in the Month of *September* in each Year.

Explanation of Scale of voting.

8. Whereas, when a Person is entitled to vote, not only as an Owner but also as an Occupier of Property, a Doubt has arisen as to the Number of Votes to which he may be entitled: For Remedy thereof be it enacted, That such Person shall be entitled to the Number of Votes to which he may be entitled as Owner, in addition to the Number of Votes to which he may be entitled as an Occupier, and the Votes to which he may be entitled in each Capacity shall be so stated in the Voting Paper signed by him.

As to rescinding Resolutions of Commissioners.

9. The Clerk of the Commissioners shall not give the Seven clear Days Notice mentioned in Section 44 of the "Commissioners Clauses Act," incorporated with the Principal Act, with respect to the Revocation or Alteration of any previous Resolution of the Commissioners, unless Notice of an Intention to revoke or alter such Resolution shall have been given to him, signed by Three Commissioners, One clear Day at least previously to such Seven Days.

Priority of Commissioners to depend on Number of Votes.

10. Whenever, owing to the Commissioners not having filled up some occasional Vacancy that may have arisen in the Number of the Commissioners, previously to the Time of the annual Election, a greater Number of Persons may at such Election have to be elected than would be necessary to fill the Places of the Commissioners retiring by Rotation, those having the highest Number of Votes shall be deemed to be the Persons elected to fill the Places of the Commissioners retiring by Rotation, and the remaining Persons shall be deemed to be the Persons elected to fill the occasional Vacancies; and in the Case of Two or more occasional Vacancies, the Commissioners having the higher Number of Votes shall be deemed to be elected to fill the Place of those of the Commissioners, by whose Death or Retirement or otherwise such occasional Vacancies may have been caused, who would have had the longest Period to serve; in case of Equality

Equality of Votes, the Position of the Commissioners having such Equality shall be determined by the Votes of the other Commissioners at their next Meeting.

Annual Meeting of Commissioners.

11. The First Ordinary Meeting of the Commissioners in the Month of *June* in every Year shall henceforth be deemed to be their Annual Meeting, instead of the Third *Wednesday* in the Month of *June* as heretofore.

Monies borrowed on Security of Rates when repaid may be reborrowed, and Amounts borrowed on Highway Rate may be increased to 15,000*l.*

12. The maximum Amount of the Sum which, under the Principal Act, the Commissioners may borrow on the Security of the Highway Rate may be increased to the Sum of Fifteen thousand Pounds; and when and as often as any Sums which may have been borrowed by the Commissioners, either under the Authority of the Principal Act or of this Act, on the Security of any of the Rates authorized by the Principal Act shall have been paid off, except by the Sinking Fund, further Monies may be borrowed by them on the Security of such Rates respectively, so that the total Amount due at any One Period of Time on the Security of any such Rate shall not exceed the maximum Amount authorized by the Principal Act or this Act, as the Case may be, and the Clauses of the Commissioners Clauses Act, with respect to Mortgages to be executed by the Commissioners, shall apply to the Sum to be raised by Mortgage under this Act.

Power to compel paving, &c. of private Streets.

13. In case any present or future Street, or any Part thereof, or the Footpaths thereof (the whole of such Street not being a Highway repairable at the Public Expense), shall not be sewered, levelled, metalled, paved, flagged, channelled, and otherwise made good to the Satisfaction of the Commissioners, they may, by Notice in Writing to the respective Owners or Occupiers of the Premises fronting, adjoining, or abutting upon such Street, or upon such Part thereof, as the Case may be, require such Owners or Occupiers to sewer, level, metal, pave, flag, channel, or otherwise make good the same within a Time to be specified in such Notice; and if such Notice be not complied with, the Commissioners may, if they think fit, execute the Works mentioned or referred to therein, and the Expenses incurred by them in so doing, or such Part thereof as the Commissioners may deem fit, shall be forthwith paid by and may be recovered from the Owners or Occupiers in default, according to the Frontage of such Premises respectively, in such Proportion as shall be settled by the Surveyor (having regard to all the Circumstances of the Case), or, in case of Dispute, in the same Manner as Appeals against Rates are by the Principal Act authorized to be settled; and such Power shall be held

held to extend to any Street or Place a Portion of which only was at the Time of the passing of the "*West Bromwich* Improvement Act, 1854," repairable at the Public Expense, and whether such Street or Place may or may not be, or have been, a Thoroughfare.

Footpaths to be paved, &c. at the Expense of adjoining Owner.

14. In every Street repairable at the Public Expense, in which there may not at the Time of the passing of this Act be a good and sufficient Footpath, the Commissioners may cause a Footpath to be constructed, or may cause the existing Footpath to be widened and paved, bricked, curbed, or channelled, and may cause Iron or other suitable Troughs to be laid on, under, or through the same for the Purpose of carrying off the Water from the adjoining Houses or Buildings, and the Expenses incurred by them in so doing, or such Part thereof as they may deem fit, shall be forthwith paid by and may be recovered in any Court of competent Jurisdiction from the Owner or Occupier of the adjoining Premises, according to the Frontage thereof respectively, in such Proportions as shall be settled by the Surveyor (having regard to all the Circumstances of the Case), or, in case of Dispute, in the same Manner as Appeals against Rates are authorized to be settled.

Vacant or waste Land.

15. If the Owner or Occupier of any vacant or waste Land shall refuse or fail for the Space of Fourteen Days after being required by the Commissioners, or by their Surveyor, to do any of the Acts following, the Commissioners may themselves do such Acts, and all Expenses thereby incurred by the Commissioners shall be recoverable by them from such Owner or Occupier as Damages; (that is to say,)

If such Land be, in the Opinion of the Surveyor, in a State to cause Danger, or to be a Nuisance from its being unfenced, undrained, or not well and sufficiently fenced or drained, then the same shall be forthwith fenced or drained, or, as the Case may be, the existing Fences or Drains shall be repaired or improved:

If any Road or Pathway upon or across any such Land, whether the same may have been dedicated to the Public or not, but not being a public Highway, shall be in such a State as, in the Opinion of the Commissioners or their Surveyor, to be dangerous, inconvenient, or a Nuisance to the Public, the same shall forthwith be repaired, or, if not dedicated to the Public, be forthwith repaired or closed.

Occupier may deduct Expense from his Rent.

16. Every Occupier who may have paid any Money to the Commissioners in respect of the Expense incurred by them in sewering, levelling, paving, flagging, or channelling any Street or Portion of a Street

a Street in front of the Premises of such Occupier, may deduct the Amount paid by him on account of such Expenses from the Rent payable by him to his Landlord, if such Rent be the Rackrent of such Premises, and if the Rent be less than the Rackrent, then he may deduct from the Rent so payable by him such Proportion of the Expenses as the Rent payable by him shall bear to the Rackrent; and if any such Landlord shall himself be liable to the Payment of Rent for the Premises in respect of which the Deduction is made, then such Landlord (provided less than Twenty Years shall be unexpired of the Term for which he may hold such Premises) may also deduct from the Rent payable by him a similar Proportion of the Sum deducted from the Rent payable to him, and so in respect to every successive Landlord, if more than One; but no Person shall, under any Circumstances, deduct from the Rent payable by him more than shall be deducted from the Rent payable to him.

Power to Commissioners to agree as to making of new public Roads.

17. The Commissioners may agree with any Persons for the making of Roads for the public Use through the Lands and at the Expense of such Persons, and that such Roads may become, and the same shall accordingly on Completion become, public Highways maintainable and repairable at the Public Expense; and the Commissioners may, if they shall think fit in any such Case so to do, contribute towards the Expenses of making such Roads out of their General Improvement Rate.

Power to Commissioners, by Consent, to construct public Bridges, &c. or adopt as public and improve existing Bridges, &c. over or under Canals, Railways, or Tramroads.

18. The Commissioners may agree with the Proprietors of any Canals, Railways, or Tramroads, and with any Landowners or other Persons willing to bear the first Expense thereof, for the Construction or Alteration of, and thereupon to cause or permit to be constructed or altered, any Bridges, Viaducts, or Arches over or under such Canals, Railways, or Tramroads at the Expense of such Persons, and at the like Expense to purchase by Agreement any adjoining Lands which may be required for the Foundations and Supports of such Bridges, Viaducts, or Arches, and the Approaches thereto, and that such Bridges, Viaducts, and Arches respectively, with their Approaches and Appurtenances, may become, and the same shall accordingly on Completion become, Parts of public Streets or Roads maintainable and repairable at the Public Expense, and the Commissioners may, if they shall think fit in any such Case so to do, contribute towards the Expense of such Construction, Alteration, and Purchase out of their General Improvement Rate, and the Commissioners may also, with the Consent of such Proprietors and other Persons interested, and on such Terms as may be mutually agreed upon, adopt any existing Bridges, Viaducts, or Arches over or under any such Canals, Railways,

Railways, or Tramroads, and the Approaches thereto, as public Bridges, Viaducts, or Arches, and Parts of public Streets or Roads maintainable and repairable at the Public Expense.

Commissioners not to alter Bridges over Birmingham Canal without Consent of the Company.

19. Nothing in this Act contained shall enable the Commissioners to require the Construction of any new or the Alteration of any existing Bridge, Viaduct, or Arch over or under any Canal or Work belonging to the Company of Proprietors of the *Birmingham* Canal Navigations (hereafter called the *Birmingham* Canal Company), or without the Consent of the *Birmingham* Canal Company under their Common Seal being first had and obtained, to construct any new or alter any existing Bridge, Viaduct, or Arch over or under any such Canal or Work.

Plans of new Streets to be deposited.

20. Every Person proposing to make or lay out any new Street shall deposit with the Surveyor duplicate Plans and Sections of the proposed Street, and no new Street shall be commenced to be made or laid out until the Sections thereof shall have been approved in Writing by the Surveyor, and in default of such Plans and Sections being so deposited, or in case any new Street shall be made, laid out, or commenced without such Approval, or shall in any respect deviate from such Sections, or be contrary to any of the Provisions of this Act, the Person so offending, or the Owner of the Land in which such Street shall be made or commence to be made, shall be liable for every such Offence to a Penalty of not exceeding Fifty Pounds, and the Commissioners may, if they think fit, cause such new Street or any Erections thereon to be altered, pulled down, or otherwise dealt with as the Case may require, and all Expenses thereby incurred shall be repaid by the Offender or such Owner, and be recoverable as Damages: Provided always, that if the Surveyor shall not signify his Approval or Disapproval of the said Sections for the Space of Four Weeks after the same shall have been deposited, such new Street may be proceeded with; provided also, that this Section shall not in anywise prejudice any of the Provisions of this Act, or of the Principal Act, or any Portion of the "Towns Improvement Act, 1847," incorporated therewith respectively.

Power to prescribe Line of new Buildings.

21. The Commissioners may from Time to Time, for the Purpose of improving Streets, prescribe the Line in which any House or Building which may be hereafter built or be taken down to or below the Floor commonly called the Ground Floor, or if a Wall, not being the Wall of a House or Building, be taken down to the Extent of One Third thereof, either in Height or in Length, for the Purpose of being rebuilt or altered, shall be erected, and the same shall be erected accordingly; and to enable the Commissioners to give the

the necessary Directions the Owner of every House, Building, or Wall intended to be so taken down or altered shall give Seven Days previous Notice in Writing of such Intention to the Surveyor, and such Owner shall be liable to a Penalty not exceeding Ten Pounds if he shall commence the taking down or altering the same before the Expiration of that Period: Provided always, that every such Owner shall be entitled to Compensation, to be settled in case of Dispute in the Manner provided by "The Lands Clauses Consolidation Act, 1845," from the Commissioners for any Damage which he may sustain by reason of any such Direction as aforesaid.

Power to pull down Houses and improve the Line of Street.

22. In case the Commissioners shall deem it expedient that the whole or any Part of any House or Building projecting or receding beyond the regular Line of any Street, or beyond the Front of the House or Building on either Side thereof in any Street, or beyond any new Line fixed by the Commissioners to be the future Line of such Street, or at the Corner of any Street or opposite to or projecting across the End of any Street, should be taken down for the Purpose of straightening the Line of any Street, or of rounding off the Corner of any Street, or improving the Entrance or Approach thereto or to any adjoining Street, it shall be lawful for the Commissioners to agree with the Owner and Occupier of such House or Building who may be willing so to do to pull down, set back, or alter the same in such Manner as the Commissioners may require, and to pay to such Owner and Occupier such Compensation as shall be agreed upon between such Owner and Occupier and the Commissioners, who shall thereupon lay into the Street so much of the Site of any House or Building so pulled down, set back, or altered, as shall seem expedient to the Commissioners.

Urinals to be kept cleansed or may be removed.

23. The Commissioners may from Time to Time require the Owner or Occupier of any House or Building in, against, or adjoining to which any Urinal accessible to the Public is situate, to cause such Urinal to be properly cleansed, drained, and repaired, and to be so provided with a constant or sufficient Flow of Water through or over the same as to prevent it becoming a Nuisance, and to remove the same if they should deem it expedient; and in case such Owner or Occupier shall, for the Space of Seven Days after being required by Notice in Writing by the Commissioners so to do, refuse or fail or neglect to comply with the Terms of such Notice, then the Commissioners may cause such Urinal to be removed, or may execute the Works required by such Notice to be done, and may recover all Expenses from such Owner or Occupier as if the same were Damages, and he shall in addition thereto be liable to a Penalty of not exceeding Five Pounds.

Expense of removing Refuse may be recovered.

24. In every Case in which under the Principal Act any Dung, Soil, or Refuse may be declared to become the Property of the Commissioners, or may be authorized to be removed by them, and the Value of such Dung, Soil, or Refuse may be insufficient to cover the Expense incurred by them in collecting or removing the same, the Commissioners may recover such Expense from the Occupier of the Land on which the same may be, or if no Occupier, or the Name of the Occupier be unknown, then from the Owner of such Land, or from the Person depositing such Dung, Soil, or Refuse, or permitting the Deposit thereof in the same Manner as Damages are by the Principal Act authorized to be recovered.

Better Prevention of Fire in Public Buildings, and the Escape of Persons therefrom.

25. And for the better Prevention of Fire, Sections 110, 111, and 112 of "The Towns Improvement Clauses Act, 1847," shall be incorporated with this Act, and the Powers and Authorities by the said Sections vested in the Commissioners for the Purpose of securing a proper Supply of fresh Air to the Buildings therein mentioned, may be also exercised by them for the Prevention of Fire and the obtaining safe, proper, and convenient Egress for the Public from Public Buildings in case of Fire.

Extension of Period during which certain Manufactures, &c. may be carried on without being required to consume the Smoke.

26. The Commissioners may from Time to Time resolve that Section 108 of "The Towns Improvement Clauses Act, 1847," with respect to the Prevention of Smoke, shall not extend to any of the Operations, Processes, Manufactures, or Works mentioned in Section 1 of "The *West Bromwich* Improvement Amendment Act, 1855," or to any One or more of them, or to the Manufacture of Glass, for any Period not exceeding Ten Years in any Case at any One Time, and so long as any such Resolution shall be in force such Operations, Processes, Manufactures, or Works shall be exempted from the Operation of the said first-mentioned Section: Provided always, that if and in case any Justice before whom any Complaint with respect to the Escape of Smoke shall be heard shall be of opinion, from the Evidence before him, that the best known Means for preventing the Emission of Smoke had been adopted by the Person complained against, and that the Furnace or Fireplace causing such Smoke, and the Apparatus, if any, attached thereto, was in a good State of Repair, and that there had not been any Negligence on the Part of the Person so complained against, or his Servants, then it shall be lawful for such Justice, if he shall think fit, wholly to remit the Penalty to which the Person so complained against might otherwise be liable: Provided always, that any One of Her Majesty's Principal Secretaries of State may at any Time after the 31st Day of *December* 1874 declare that it shall no longer be lawful for the Commissioners to exempt the particular

particular Operation, Process, Manufacture, or Work mentioned in such Declaration from the Operation of the said first-mentioned Act.

Postponing Period for printing Accounts of Commissioners.

27. The Period for printing the Accounts of the Commissioners shall henceforth be postponed until Fourteen Days after such Accounts shall have been audited; and no Creditor of the Commissioners or Ratepayer shall, as provided by the 19th Section of "The Commissioners Clauses Act, 1847," be entitled to a Copy of such Accounts until after the same shall have been printed.

Qualification of Auditors.

28. One of the Auditors of the Accounts of the Commissioners appointed by the Ratepayers shall be a Person following the Profession or Business of a Public Accountant, and he need not be qualified to be a Commissioner.

Power to make Byelaws.

29. In addition to all other Powers vested in the Commissioners, they may from Time to Time make Byelaws for all or any of the Purposes following; (that is to say,)

The regulating the Position of Coke Hearths and Limekilns, and the minimum Distance at which they shall be placed from any public Street or Pathway, and for otherwise preventing them from being public Nuisances;

The regulating the Height and Dimensions of Chimney Stacks for Business or manufacturing Purposes so as to prevent them from becoming Nuisances;

The making Occupiers of Premises liable to Penalties for suffering or allowing their Chimneys to take fire;

For prohibiting the sweeping or depositing of Ashes, Rubbish, or Filth into any Street, or any Gutter, Sewer, or Grating in any Street;

For preventing the Exposure or offering for Sale any Animal infected with or labouring under, or apparently labouring under, Glanders, Farcy, Murrain, Variola Ovina, Trichina Spiralis, or any Disorder of a like or similar Nature, or any other infectious or contagious Disease, and for regulating the Manner in which and the Person by whom Animals so infected or suffering, or appearing to be so infected or suffering, may be seized and destroyed, and for regulating the Manner in which Pens, Hurdles, Troughs, Litter, Hay, Straw, and other Articles infected or likely to be infected by such Animals may be purified, removed, or destroyed;

For the cleansing by the Owners or Occupiers of Footpaths and Pavements adjoining any Premises;

The Removal of Refuse from any Premises; and

The cleansing of Privies, Ashpits, and Cesspools:

For the Prevention of Nuisances arising from Snow, Filth, Dust, Ashes, and Rubbish, or of keeping of Animals so as to be injurious to the Public Health:

For the Prevention of sliding in the Streets, throwing Stones, playing at Bandy or Hockey, flying Kites, or other Obstructions to the public Thoroughfare:

Regulating the Level, Width, and Construction of new Streets, and the Provisions for the Sewerage thereof:

Regulating the Structure of Walls of new Buildings for securing Stability and the Prevention of Fires, with respect to the Sufficiency of Space about Buildings to secure a free Circulation of Air, and with respect to the Ventilation of Buildings:

With respect to the Drainage of Buildings, to Waterclosets, Privies, Ashpits, and Cesspools in connexion with Buildings, and to the cleansing of Buildings or Parts of Buildings unfit for Human Habitation, and to Prohibition of their Use for such Habitation; and they may further provide for the Observance of the same by enacting therein such Provisions as they think necessary, as to the giving of Notices, as to the Deposit of Plans and Sections by Persons intending to lay out Streets or to construct Buildings, as to Inspection by the Local Board, and as to the Power of the Local Board to remove, alter, or pull down any Work begun or done in contravention of such Byelaws: Provided always, that no such Byelaws shall affect any Building erected before the Date of the passing of the Principal Act; but for the Purposes of this Act the re-erecting of any Building pulled down to or below the Ground Floor, or of any Frame Building, of which only the Framework shall be left down to the Ground Floor, or the Conversion into Dwelling House of any Building not originally constructed for Human Habitation, or the Conversion into more than One Dwelling House of a Building originally constructed as One Dwelling House only, shall be considered the Erection of a new Building:

And for such Purpose so much of the "Towns Improvement Clauses Act, 1847," as relates to Byelaws, to be made by virtue of that or the Special Act, shall be incorporated in this Act, and the Penalty to be imposed for the Breach of any of such Byelaws may be any Sum not exceeding the Sum of Ten Pounds, and in all Cases, when necessary, it may be provided by any Byelaws that in case of any Breach or Non-observance thereof, the Commissioners may themselves do the Act or perform the Work, to secure the doing or performing

whereof may be the Object of such Byelaw, and that the Expenses thereby incurred may be recovered from the Offender as Damages.

Certain Sections of 21 & 22 Vict. c. 98. incorporated.

30. The following Sections of the Local Government Act, 1858, shall be incorporated with and form Part of this Act; that is to say, Sections 30, 31, 32, 39, 41, 44, 49, 62, 63, 64, 66, and 78, and such Sections shall be read as if the Words "the Commissioners" were inserted therein, instead of the Words "the Local Board."

Recovery of Penalties.

31. All Penalties imposed and all Damages and Expenses authorized to be recovered by this Act, or by any Act or Portion of an Act incorporated herewith (except in Cases in which the Recovery thereof may be otherwise directed), may be recovered in the same Manner as any Penalties imposed by the Principal Act, or Damages or Expenses thereby directed to be made good, or permitted to be recovered, are authorized to be recovered.

Commissioners not to interfere with any Land or Water of the Birmingham Canal Company without Consent of Company.

32. It shall not be lawful for the Commissioners, in exercising any of the Powers conferred by this Act, or the herein-before recited Acts, or either of them, or any of the Acts incorporated herewith or with the said recited Acts, or either of them, to take, use, or interfere with any Land or Water of the *Birmingham* Canal Company, or any Water that Company may have Power to take or appropriate for the Purposes of any of their Canals, or may have taken or appropriated for those Purposes, or in any Manner to impede the Navigation of any of the said Canals, or to take, divert, or interfere with any of the Brooks, Streams, Feeders, or Watercourses by which the said Canals, or any of them, now are or is supplied with Water, or to interfere with or injure any of the Works or Property of the *Birmingham* Canal Company without their Consent, under their Common Seal first had and obtained.

Saving Rights of the Birmingham Canal Company.

33. Nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Privileges, or Powers of the *Birmingham* Canal Company.

Saving Rights of the Birmingham and Staffordshire Gaslight Company.

34. Nothing in this Act or in the recited Acts contained shall in anywise prejudice, diminish, alter, or take away any of the Rights, Privileges, or Powers of the *Birmingham and Staffordshire* Gaslight Company, nor enable the Commissioners to take, use, or interfere with any Lands, Pipes, Works, or Property of that Company.

Expenses of Act.

35. The Costs, Charges, and Expenses of obtaining this Act and incident thereto, except so much thereof, if any, as shall be repaid to the

the Commissioners by any Person or public Body, shall be chargeable upon and be paid out of the General Improvement Rate authorized by the Principal Act.

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