



CHAP. cxxxii.

An Act for defining and extending the Powers of the Corporation of Wolverhampton in relation to the Management of Streets in the Borough, and to Sewerage, and to Police and other matters of Local Government, and to Water Supply ; and for other purposes. A.D. 1869.
[26th July 1869.]

WHEREAS the borough of Wolverhampton is a municipal borough under the government of the mayor, aldermen, and burgesses of the borough (in this Act referred to as the Corporation) :

And whereas in the year 1850, by provisional order confirmed by Act of Parliament, the Public Health Act, 1848, except a small portion thereof, was applied to the borough :

And whereas by the Wolverhampton Improvement Act, 1853, provision was made for the improvement, regulation, and cleansing of the borough, and for the maintenance and regulation of the markets and fairs therein, and for other purposes : 16 & 17 Vict.
c. xxviii.

And whereas the Local Government Act, 1858, and many Acts amending and extending the same, and the Public Health Act, 1848, and incorporating wholly or in part a large number of other Acts, have become applicable to and do apply to the borough :

And whereas under the Wolverhampton Waterworks Transfer Act, 1867, the Corporation have the control of the water supply of the borough, having acquired the same by transfer from a waterworks company, and there are now six special Acts wholly or partly in operation affecting the waterworks undertaking of the Corporation, and incorporating many provisions of other Acts : 30 & 31 Vict.
c. cxxxiii.

And whereas it is highly inconvenient for the borough that there should be in force therein a variety of provisions affecting the improvement and government of the borough, and the health and comfort of the inhabitants thereof, comprised in different Acts not uniform in language and sometimes conflicting in effect, and it is

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. therefore expedient to consolidate enactments in force relative to the improvement and government of the borough, and water supply and other matters, and to simplify and amend them :

And whereas it is expedient at the same time to extend in various respects the powers of the Corporation relative to matters comprised in those enactments, and to other matters of local government :

And whereas the position, with respect to incumbrances and sinking fund and borrowing powers of the Corporation by the Council as the local board of health, and of the Corporation in their municipal capacity, was on the thirty-first day of August one thousand eight hundred and sixty-eight such as is shown in the first schedule to this Act :

And whereas it is expedient that the Corporation be authorized to borrow further sums for purposes of sewerage works and other purposes, and that better provision be made respecting securities for and other matters relative to money already borrowed by the Corporation :

And whereas the objects aforesaid cannot be attained 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,)

I.—PRELIMINARY.

Short title. 1. This Act may be cited as *The Wolverhampton Improvement Act, 1869.*

Commence-
ment of Act. 2. This Act shall commence from and immediately after the thirty-first day of August one thousand eight hundred and sixty-nine.

3. In this Act—

Interpreta-
tion of
terms.

The term "the borough" means the municipal borough of Wolverhampton, and the terms "the Corporation," "the mayor," "the Council," "the watch committee," "the town clerk," "the treasurer," and "the surveyor," and "the borough fund," mean respectively the mayor, aldermen, and burgesses of the borough, and the mayor, the Council, the watch committee, the town clerk, the treasurer, and the surveyor for the time being of the borough, and the borough fund of the borough :

The term "the Municipal Corporation Acts" means the Act of the session of the fifth and sixth years of King William the Fourth (chapter seventy-six), "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: A.D. 1869.

The term "person" includes an incorporated company and a corporation aggregate or sole:

The term "justice" means a justice of the peace for the borough, or a stipendiary justice appointed under the Act of the session of the ninth and tenth years of the reign of Her present Majesty, chapter sixty-five, or under any other Act for the time being in force:

The term "two justices" means two or more justices assembled and acting together in petty sessions for the borough, or any stipendiary justice acting for the borough or for the county of Stafford:

The term "court of quarter sessions" means the court of general or quarter sessions for the borough:

The term "street" applies to and includes any highway (not being a turnpike road), and any road, public bridge (not being a county bridge), lane, footway, square, court, alley, passage, whether a thoroughfare or not, and the parts of any such highway, road, bridge, lane, footway, square, court, alley, or passage within the borough, whether made before or after the commencement of this Act, but does not include any road, carriageway, bridge, footway, pathway, or approach belonging to any railway company:

The term "court" means the whole or any part of any court, alley, entry, passage, yard, way, or place made before or after the commencement of this Act, and used with or appurtenant to two or more dwelling houses:

The term "owner" means the person who for the time being receives the rackrent of the lands with reference to which that term is used, whether on his own account, or under or by virtue of any mortgage or charge, or as agent or trustee for any other person, or who would so receive the same if the lands were let at a rackrent, and includes every successive owner from time to time of the lands for any part of the time during which the enactment wherein that term is used operates in relation to such lands:

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 Vict.]
Act, 1869.

A.D. 1869.

The term "occupier" means the person for the time being in actual occupation or possession of the lands with reference to which that term is used :

The term "drain" means a drain, pipe, channel, or gutter made or used for the drainage of one building only, or of buildings or lands within the same curtilage :

The term "sewer" means a culvert or channel for the passage of water, sewage, or refuse, not being a drain as in this Act defined :

The term "water rent" includes every sum of money payable to the Corporation for a supply of water :

The term "slaughter-house" includes a knacker's yard, and any building or place used for slaughtering animals for sale :

The term "cart" includes any vehicle made or used for the conveyance of goods, commodities, or chattels in a street :

The term "carriage" includes any vehicle of what nature soever made or used for the conveyance of persons in a street :

The term "cattle" includes horses, asses, mules, sheep, goats, and swine :

The term "article" includes any commodity, and also any animal comprised in the definition of cattle in this Act :

The term "driver" means the driver, conductor, or carter of a carriage or cart :

And in this Act, and in any Act incorporated wholly or in part with this Act, the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute, and shall include a county court; and the term "superior courts" shall include courts of competent jurisdiction within the meaning of this Act.

Repeal and
disconti-
nuance of
enactments,
&c. as in
schedule.

4. From and after the commencement of this Act the Acts described in the second schedule to this Act, Part I., shall be repealed, and the Acts described in the second schedule to this Act, Part II., shall cease to apply to the borough.

Act to ex-
tend to
borough.

5. This Act shall (except where it is expressly provided otherwise) apply to and within the borough exclusively.

Vesting of
property of
local board
in Corpora-
tion.

6. All property which at the commencement of this Act is vested in the Corporation by the Council as the local board of health shall from and after the commencement of this Act be vested in the Corporation.

7. This Act shall be carried into execution by the Corporation acting by the Council, and according to the Municipal Corporation Acts and other laws for the time being affecting the Corporation, and with all the rights, powers, privileges, and authorities conferred by those Acts and laws on the Corporation, and 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 Corporation Acts, and as nearly as may be in all respects as if the powers, duties, and property vested in, imposed on, or enjoyed by the Corporation by or under this Act were vested in, imposed on, or enjoyed by them by or under the Municipal Corporation Acts.

A.D. 1869.
Act to be
executed by
Council.

II.—STREETS; HIGHWAYS; ROADS; PATHS.

8. The management of all streets and courts which at the commencement of this Act are or thereafter become public highways, and the pavements and other materials as well in the footways as in the carriageways of such streets and courts, and all buildings, materials, implements, and other things provided for the purposes of the highways by the surveyors of highways or by the Corporation, shall belong to the Corporation,

Management
of streets
vested in
Corporation.

9. The Corporation exclusively shall be the surveyors of highways (not being turnpike roads), and shall have all such powers and authorities, and be subject to all such liabilities, as any surveyors of highways are invested with or subject to by virtue of the laws for the time being in force; and the inhabitants of the borough shall not, in respect of any lands within the borough, be liable to the payment of any highway rate or other payment in respect of the making or repairing of roads within the other parts of the parish in which the borough is situate.

Corporation
to be sur-
veyors of
highways.

10. The Corporation shall be deemed guilty of a misdemeanor for not repairing any public highway (not being a turnpike road), and shall be liable to be indicted for such misdemeanor in the same manner as inhabitants are ordinarily by law liable to be indicted in the like case.

Corporation
liable to
indictment
for want of
repairs.

11. The company of proprietors of the Birmingham Canal Navigations shall not be liable to repair or amend any part of the streets for the time being vested in or under the management of the Corporation approaching to or passing over any bridge belonging to that company within the borough.

Repair of
roads over
Birmingham
Canal.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 Vict.]
Act, 1869.

A.D. 1869.

Power to
pave streets,
&c.

12. The Corporation from time to time may cause all or any of the streets and courts under their management to be paved, flagged, macadamized, or otherwise made good, maintained, and repaired, and the ground or soil thereof to be raised, lowered, or altered, in such manner and with such materials as they think fit, and may pave, make, and repair, with such materials and in such manner as they think fit, any footways for the use of passengers in any such street or court, making compensation to any person sustaining any damage by reason of the ground or soil of any street or court being raised, lowered, or altered.

Streets may
be stopped.

13. The Corporation may stop up a street or court, and prevent all persons from passing along and using the same, for a reasonable time during the construction, alteration, repair, or demolition of a sewer or drain, or the repair or improvement of the carriage or foot way of a street or court, or the execution of any other work authorized by this Act.

Power to set
up posts for
guarding
footways.

14. The Corporation may continue, or from time to time place and maintain, in any street or court under their management, any posts, pillars, rails, bars, chains, or other fence, permanent or temporary, for the protection of passengers and traffic, or for preserving any footway clear from annoyance, or for prevention of accidents, and posts in the carriageway of any street, so as to make the crossing thereof less dangerous to passengers.

Penalty for
altering post,
pavement,
&c. without
consent of
Corporation.

15. If any person displaces, takes up, or alters any post, pillar, rail, bar, chain, or other fence, permanent or temporary, continued or placed and maintained in any street or court by the Corporation, or the pavement, flags, curbs, channel-stones, or other materials of any street or court under the management of the Corporation, without their consent in writing or other lawful authority, or damages any such post, pillar, rail, bar, chain, or fence, or any such pavement, flags, curbs, channel-stones, or other materials, he shall be liable to a penalty not exceeding five pounds; and the Corporation may reinstate the street or court, and the thing displaced, taken up, altered, or damaged, and recover the expenses from him.

Definition of
buildings in
streets, &c.

16. For the purposes of this Act buildings and lands shall be deemed to be in a street or court when they abut on a street or court, or when only some portion of waste or unoccupied ground open to the passage of the public intervenes between the buildings or lands and a street or court.

Approval of
new streets.

17. The mode of construction of every street begun or completed after the commencement of this Act (in this Act referred to as a new street), and the materials to be employed, shall be subject to the approval of the Corporation.

18. Every person who intends to make a new street shall give 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,)

A.D. 1869.
Notices,
plans, &c. of
new streets.

(1.) A plan of the street on a scale of not less than one inch to forty-four feet, showing the names of the owners of the lands through or over which the street will pass, its level, width, direction, mode of construction, and name, and its position relatively to the streets nearest to it:

(2.) A section of the street on the same scale, and on a vertical scale of not less than one inch to ten feet, showing the level of the then surface of the ground above some known fixed datum, the level and rate of inclination of the street, and the level and inclinations of the streets with which it will be connected:

Every such plan and every such section shall contain the name and address of the person intending to make the street, and be signed by him or his duly authorized agent.

19. The Corporation shall approve or disapprove of an intended new street within six weeks after receipt of the notice required by this Act, and if they do not disapprove within that period, then at the end of that period they shall be taken to have approved.

Power of
approval.

20. Every new street intended for carriage traffic shall be laid out and formed at least thirty-six feet wide, unless a less width is in any case consented to by the Corporation on account of the street being a back way, or on account of other special circumstances stated in the order; and the Corporation shall determine in each case what proportion of the width of every such new street shall be laid out as carriage and foot way respectively, and every new street intended for foot traffic only shall be laid out and formed at least ten feet wide, and the width of a new street shall be measured at right angles to its course, and so as to include the whole space dedicated to or used by the public, exclusive of any steps or projections.

Width of
new streets.

21. The level and width of a new street having been approved by the Corporation, the surveyor shall, with the approval of the Corporation, specify the depth and inclination, form, size, materials, and other particulars of the sewers and their appurtenances, according to which the works for the proper drainage of the street and of the adjoining properties shall be executed.

Works for
drainage of
new streets.

22. If in the making of a new street, or the execution of any work connected therewith, anything is done in contravention of this Act, or anything required by this Act is omitted, the surveyor may,

Notice of
irregularity.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. — 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 specified in the notice, to amend what has been so done in contravention, or to do what is so required; and if such person fails to comply in any respect with the requirements of the present section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such failure continues after conviction for the first offence.

Penalties for breach of rules as to notices, plans, &c. of new streets.

23. If any person begins to make a new street without giving the notice required by this Act, or before the expiration of six weeks from the receipt by the Corporation of that notice, if given, or the previous approval of the Corporation, or begins to make a new street which has been disapproved by the Corporation, or after the Corporation has approved of a new street, makes, either before or after completion thereof, any alteration in the whole or in any part thereof so approved, without further previous approval by the Corporation of the alteration, or does anything in contravention of this Act, or omits to do anything required by this Act, or by the Corporation or surveyor under the authority of this Act, with reference to the making of a new street, he shall be liable to a penalty not exceeding five pounds, and in 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 a time to be determined in that behalf by the justice before whom he is convicted.

Power to cause certain streets and courts to be sewered and paved, &c. by owners.

24. If at any time any street or court (not being a highway repairable by the inhabitants at large) formed, set out, or laid out either before or after the commencement of this Act is not sewered, drained, levelled, flagged, and paved, or macadamized to the satisfaction of the Corporation, they may at any time and from time to time order that it be freed from obstruction, sewered, drained, levelled, flagged, paved, macadamized, and otherwise completed, with such materials, at such levels, with such inclinations, and with sewers and drains of such dimensions, and that the soil thereof be raised, lowered, or altered in such manner and within such time, as the order directs; and thereupon the respective owners of the buildings and lands in such street or court shall, at their own respective expense, remove all obstructions in, on, or under, and sewer, drain, level, flag, pave, macadamize, and otherwise complete the same within the time and in the manner prescribed in the order.

Publication of orders for sewerage and

25. Every such order shall be served on the respective owners or occupiers of the buildings and lands in the street or court to which

it relates, and shall be publicly posted at each end of that street or court. A.D. 1869.

26. If any work required to be done by any such order is not commenced within one month after notice of the order given, or if any such work, when commenced, is not carried on without unreasonable delay, or if any such work is not completed within the time and in the manner prescribed in the order, the following provisions shall apply to every such case; (namely,)

paving, &c.
streets.
On owner's
neglect to
sewer and
pave, &c.,
power to do
the work at
his expense.

- (1.) The Corporation may at any time and from time to time remove all obstructions in, on, or under, and sewer, drain, level, flag, pave, macadamize, or otherwise complete the street or court to which the order relates, or such part thereof as is not done in accordance with the order, in such manner as they think fit :
- (2.) The Corporation may charge the several owners of buildings or lands in the street or court with the expenses of the execution by them of those works or incidental thereto (which expenses are comprised in the term "new street expenses," where used in this Act) :
- (3.) New street expenses shall be charged to such owners in proportion to the extent of the frontage of their respective buildings and lands in the street or court :
- (4.) Such proportion shall be ascertained and settled by the surveyor, and the apportionment by him shall be binding and conclusive on all parties, unless the same is by written notice disputed within one month from the time of notice being given by the Corporation of the apportionment :
- (5.) Any such dispute shall be settled by arbitration :
- (6.) Notwithstanding any such dispute, such interest on new street expenses as is hereafter in this Act provided for shall commence, as against each such owner, from the expiration of one month from the time of demand by the Corporation of his proportion of new street expenses :

But the exercise of the powers of the present section shall be subject to the following provisions; (namely,)

- (1.) The owner of any building or lands shall not be liable to be charged for the repair of any public highway that crosses any such street or court :
- (2.) The expense occasioned by the construction of any sewer of a larger size or with other materials than would have been necessary merely for the purpose of the drainage of any

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.

such street or court, or of the buildings or lands therein (such expense to be ascertained and settled by arbitration in case of difference), shall be borne and paid by the Corporation.

Materials in streets sewered and paved.

27. The Corporation may appropriate, use, and dispose of any old materials existing in any street or court at the time of the execution by the Corporation of any works in such street or court under the foregoing provisions, allowing such sum as the surveyor may fix to be the value thereof to the owners of buildings and lands in such street or court, in proportion to their interest therein, unless such owners, within twenty-four hours after notice from the Corporation so to do, remove such materials or their respective proportions thereof, and any stone, gravel, clay, or other material produced in the course or in consequence of the execution by the Corporation of any such works may be used by them in the execution of any works under this Act; and in case of their so using the same, the value thereof, to be fixed by the surveyor, shall be paid or allowed by the Corporation to the owners of buildings or lands whose property has produced the same.

Streets sewered, paved, &c. to be public highways.

28. When any street or court has been freed from obstruction, sewered, drained, levelled, flagged, paved, macadamized, or otherwise completed to the satisfaction of the Corporation, they shall, by a declaration recorded among the proceedings of the Council, declare the same to be a public highway, unless the owner or owners of buildings and lands in such street or court extending for not less than four fifths of the frontage of such street or court object thereto by notice in writing served on the Corporation within one month after notice of the intention of the Corporation to make such declaration has been put up in some conspicuous part of the street or court, and from and after any such declaration the street or court to which the same relates shall be a public highway and be repairable accordingly.

Streets may be sewered only or paved only, and expenses recovered.

29. The Corporation may, under and according to the foregoing provisions, order any street or court to be sewered, drained, and levelled only, without also requiring it to be flagged and paved or macadamized, and in that case all the provisions of this Act with respect to the sewerage, draining, levelling, flagging, paving, macadamizing, or otherwise completing of streets and courts shall be applicable to the sewerage, draining, and levelling only of such street or court, and the expenses thereof and incidental thereto shall be deemed new street expenses; but a street or court sewered,

[32 & 33 VICT.] *The Wolverhampton Improvement* [Ch. cxxxi.]
Act, 1869.

drained, and levelled shall not be declared to be a highway until it has also been flagged, paved, or macadamized and otherwise completed to the satisfaction of the Corporation; and if the Corporation at any time after any street or court is sewered, drained, and levelled think proper to have the same flagged, paved, macadamized, or otherwise completed, all the provisions of this Act with respect to sewerage, draining, levelling, flagging, paving, macadamizing, or otherwise completing of streets and courts shall be applicable to flagging, paving, macadamizing, or otherwise completing only of such street or court, and the expenses thereof or incidental thereto shall be deemed new street expenses. A.D. 1869.

30. The Corporation may from time to time by order, in conjunction with any order authorized by this Act relative to the formation of any street, direct that the level of any street be altered so as to be adapted, in such manner and to such extent as the Corporation think fit, to the level of any adjoining or other street, making compensation to owners and occupiers of buildings and lands for any damage or expenses sustained or incurred by them by reason or in consequence or in the execution of such order. Power to require alteration of levels of streets.

31. The Corporation may from time to time by order declare the points or limits at or within which any street is for the purposes of this Act to be taken as beginning and ending. Power to define new streets.

32. An incumbent or minister of a church or chapel consecrated or licensed, or a minister or trustee of a chapel or meeting house appropriated to public religious worship, and certified and recorded as such according to law, shall not be liable to any new street expenses as owner or occupier of such church, chapel, or meeting house, or of any churchyard or burial ground attached thereto, situate in a street or court, nor shall any new street expenses be a charge on such church, chapel, meeting house, churchyard, or burial ground, or subject the same to distress, execution, or other legal process; and the Corporation may, if they think fit, execute any works from the expenses of which any such incumbent, minister, or trustee is by this section exempted, but an incumbent, minister, or trustee so exempted shall not be entitled to an allowance in respect of the value of old materials existing in the street or court. Exemption of incumbent or minister of church, chapel, &c. from new street expenses.

33. The Corporation may from time to time by order stop up, wholly or partially, any highway which in their opinion is unnecessary, on such terms, as to the vesting of the soil and other matters, as may be agreed on between the Corporation and the owners and lessees of buildings and lands abutting on the highway, and on any highway Power to stop up highways where unnecessary, &c.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. being so stopped up all public and other rights of way, and other rights in, over, or on the same, shall be absolutely extinguished; but no such order shall be executed until after the expiration of one month from the time when it has been publicly posted at each end of the highway to which it relates.

Power to purchase buildings or lands for effecting street improvements.

34. The Corporation may agree with the owner of and persons interested in any building or lands for the absolute purchase thereof, or of any part thereof, and of all subsisting leases, rentcharges, annuities, mortgages, incumbrances, estates, or interests in or affecting the same, and after such purchase may cause the building, or the part thereof purchased, to be taken down and removed, and the site thereof and the lands purchased, or any part thereof, to be laid into any street or court for widening, enlarging, or rendering more commodious the same, or to be disposed of for making new streets, or otherwise for the improvement of the borough, as the Corporation think fit.

Houses and buildings in streets being carriage-ways.

35. Where any person after the commencement of this Act erects any new house or building, or rebuilds any old house or building, in or fronting to any street being a carriage road laid out or used before or after the commencement of this Act, whether any house or other building has been previously erected on the site or intended site of such house or building or not, the following provisions shall have effect; (that is to say,)

(1.) The person so erecting or rebuilding shall, if required by the Corporation or their surveyor, erect or rebuild such house or building at the distance of six yards at least from the centre of the street, and, if necessary for that purpose, shall set back the house or building accordingly, and that space or distance of six yards shall be given up for and form part of the street, unless the consent of the Corporation in writing is previously obtained by such person to the contrary:

(2.) In case any person after the commencement of this Act erects or rebuilds any house or building in contravention of the provisions of this section, the Corporation may, within three months after the erection thereof, pull down, take away, and remove the same or so much thereof as is erected in contravention as aforesaid, and such person shall for every such offence forfeit and pay a sum not exceeding twenty pounds, to be recovered by the Corporation in any court of competent jurisdiction:

(3.) Provided that in every such case the Corporation shall make compensation in respect of any land or building given up as aforesaid.

A.D. 1869.

36. Where a building in a street or court is burnt or taken down to or below half the front elevation thereof, or is intended to be rebuilt or new fronted, or where it is intended to erect a new building on lands at the commencement of this Act vacant or unbuilt on in or near a street or court, and the Corporation are desirous of widening or enlarging such street or court, or any adjoining or neighbouring street or court, or of making alterations in the line of the buildings therein, they may for such purposes, by agreement, purchase any part of the site of such building, or of the lands occupied therewith, or of such vacant lands.

Where buildings taken down power to take land to improve street.

37. All buildings or parts of buildings erected on the site of any building or any ground, which site or ground in consequence of any improvement made by the Corporation becomes front land, or on any lands purchased or taken by the Corporation before or after the commencement of this Act, shall be erected according to such plan, for the outside or front elevation thereof, as the Corporation approve; and in case the Corporation for the space of six weeks after any plan is submitted to them neglect to notify their determination in writing with reference thereto, they shall be deemed to have approved of such plan.

Elevations of buildings erected on front land to be subject to approval of Corporation.

38. Any lands purchased or taken by the Corporation and laid into a street shall for ever thereafter form a part of that street and be a public highway.

Land thrown into streets to be public highway.

39. The Corporation may allow, on such terms as they think fit, any building to be set forward for improving the line of the street or court in which such building is situate, provided that the same be not in contravention of any covenant or right.

Buildings may be set forward for improving line of street.

40. Where a building in a street or court, any part of which projects beyond the regular line of the street or court, or beyond the front of the building on either side thereof, is burnt or taken down to or below half the front elevation thereof, the same shall be set back to or towards the line of the street or court, or the line of the adjoining building, in such manner as the Corporation direct, for the improvement of such street or court, the Corporation making compensation to the owner of such building for any loss or damage sustained by him in consequence of his building being so set back.

Projecting houses when taken down to be set back.

41. Any pilaster, plinth, cornice, or other part of a new building, or of a new front or addition to an existing building, shall not project

Projections over highways.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. or encroach over a footway or highway unless allowed by the Corporation, or beyond the distance (if any) allowed by the Corporation.

Future projections of houses, &c. to be removed on notice.

42. The Corporation may serve notice on the occupier of any building to remove or alter any porch, shed, projecting window, step, cellar, cellar door or window, teagle, crane, windlass, sign, sign-post, sign-iron, showboard, window shutter, wall, gate, or fence, or any other obstruction or projection erected or placed after the commencement of this Act against or in front of any building within the borough, and being an obstruction to the safe or convenient passage along or through any street or court, and such occupier shall, within fourteen days after the service of such notice on him, remove such obstruction or projection, or alter the same in the manner required by the notice, and in default thereof he shall be liable to a penalty not exceeding forty shillings; and the Corporation may remove such obstruction or projection, and the expense of such removal shall be paid by him and shall be recoverable as damages, but except where such obstruction or projection was made or put up by the occupier, the occupier shall be entitled to deduct the expense of his removing or altering the same, as required by the notice, from the rent payable by him to the owner of the building.

Corporation may cause existing projections to be removed, and compensation to be made.

43. If any such obstruction or projection was erected or placed against or in front of any building in any street or court before the commencement of this Act, the Corporation may remove or alter the same as they think fit, first giving notice of such intended removal or alteration to the occupier of the building thirty days at least before such removal or alteration is begun, and if such obstruction or projection has been lawfully made they shall make reasonable compensation to every person who suffers damage by such removal or alteration.

Doors and gates not to open outwards.

44. The occupiers of buildings and lands in any streets shall, at their own respective expense, from time to time, within fourteen days next after their respectively receiving notice in writing from the Corporation, cause all doors and gates for the time being leading into the buildings and lands in their respective occupations (not being cellar doors or trap doors) which open outwards, and when open project into or over any street, to be altered so as not to open outwards into any street, and if any such occupier fails to comply with such notice he shall be liable to a penalty not exceeding five shillings for every day during which such failure continues after the expiration of the time specified in such notice.

45. After the commencement of this Act it shall not be lawful for any person, without the consent of the Corporation first obtained in writing, to make or alter any cellar, arch, vault, oven, or underground passage, or other work under any street or court, or to make any cellar area or cellar steps or other steps in any street or court, and every such cellar, work, or thing for the time being lawfully existing shall be kept in repair by the owner or occupier thereof; and if any person offends against any of the provisions of this section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding two pounds for every day during which such offence continues after the expiration of a time to be specified in that behalf in the notice.

A.D. 1869.
Cellars, &c.
not to be
made under,
or steps, &c.
project into
streets.

46. The owner of any building shall cause the areas of the same fronting any street or court to be well and sufficiently guarded by a railing or parapet or dwarf wall, of such materials, dimensions, and form as the Corporation direct, and when any opening in any pavement or footpath or other entrance into any vault or cellar for the time being lawfully exists a door or covering shall be made by the owner of such vault or cellar, of iron or such other materials and in such manner as the Corporation direct and such railing, door, or covering shall be kept in good repair by such owner (but so that nothing in this section shall vary any provision in a lease as between the owner and the occupier), and shall be used by the occupier as the Corporation direct; and if any such owner or occupier fails to comply in any respect with the requirements of the present section he shall be liable to a penalty not exceeding five pounds, and in 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 a time to be determined in that behalf by the justice before whom he is convicted.

Cellar open-
ings to be
covered or
secured.

47. It shall not be lawful for any person to make, place, or continue any socket or plug-hole in any causeway, highway, or thoroughfare without the consent of the Corporation first obtained in writing, and where any person, with such consent, so makes, places, or continues a socket or plug-hole he shall repair the same immediately after being required so to do by the surveyor, and shall not at any time suffer the same to be without plug or cover, or properly guarded, as the surveyor directs; and if any person fails to comply in any respect with the requirements of the present section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which the offence

Regulations
as to sockets,
&c.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. continues after the expiration of twenty-four hours from the service of notice thereof on him.

Hoads to be set up during progress of buildings, &c.

48. 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 cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on from the street or court, with 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 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; and if any person fails to comply in any respect with the requirements of the present section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such failure continues after the expiration of twenty-four hours from the service of notice thereof on him.

No hoard to be put up without consent, &c.

49. It shall not be lawful for any person, without the consent of the Corporation first obtained, to put up or keep up in a street 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, or of depositing bricks, lime, rubbish, or other materials; and if any person does anything in contravention of the present section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which the offence continues after the expiration of twenty-four hours from the service of notice thereof on him.

Penalty for not lighting deposits of building materials or excavations.

50. 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 the present section he shall be liable to a penalty not exceeding five

pounds, and to a further penalty not exceeding forty shillings for every day during which such failure continues after the expiration of twenty-four hours from the service of notice thereof on him, and 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.

A.D. 1869.

51. If the owner or occupier of any vacant or waste land, after the expiration of fourteen days notice in writing from the surveyor, allows any road or pathway on or across that land, or any part thereof that has been dedicated to the public but has not been declared to be a public highway, to remain out of repair to such an extent as to be dangerous or inconvenient to the public, the Corporation may, by order, cause the same to be repaired, and the expenses shall be recoverable from the owner or occupier.

Repair of paths dedicated to public.

52. The Corporation may name any street or court or any part of a street or court which is without a name or which bears two names, and may from time to time alter the name of any street or court, or of any part of a street or court, and paint, engrave, or otherwise describe and place the name of any street or court, or of any part of a street or court, on a conspicuous part of any building or other erection at or near each end, corner, or entrance thereof, and number every building or other erection therein on the door thereof, or otherwise, as they think proper; and if any person wilfully destroys, obliterates, defaces, removes, or, without the consent of the Corporation, alters any such name or number or any part thereof, he shall be liable to a penalty not exceeding forty shillings, and when any such number is defaced or rubbed out the occupier of such building or other erection shall immediately, at his own expense, cause the same to be reinstated, and in case he fails to do so for seven days after notice in writing given him to do so the Corporation may reinstate the same, and recover the expenses from him.

Power to alter names of streets, and names to be put up, and houses to be numbered, &c.

53. The Corporation shall keep a register of all alterations made by them in the names of streets and courts, or parts thereof, in such form as to show the date of every such alteration, and the name of the street or court, or part, as well before as after such alteration.

Register of alteration in names of streets.

54. The Corporation may from time to time contract with any company, body, or persons having power to supply gas within the borough for lighting the streets and courts of the borough, or any of them, with gas, and for providing for that purpose lamp-posts, burners, pipes, and other apparatus, and for the repair thereof, in such manner and on such terms as may be agreed on.

Power to contract for supply of gas.

A.D. 1869.

Contracts
with neigh-
bouring au-
thorities as
to roads, &c.

55. The Corporation, and any local board or highway board, or other proper authority of any district, parish, or place in or adjoining to the borough, may from time to time enter into and carry into execution such contracts as they think expedient for the making, repair, and maintenance of highways, roads, streets, or paths in the borough, and in the parishes and townships adjoining thereto, and all expenses incurred on the part of the Corporation under such contracts shall be paid out of the improvement fund created by this Act.

III.—BUILDINGS.

New build-
ings.

56. For the purposes of this Act any building the erection whereof is begun after the commencement of this Act shall be considered a new building, and the re-erecting of any building pulled down to or below the level of the ground floor thereof, or of any building of which only the framework is left down to the ground floor, or the conversion into a dwelling house of any building not originally constructed for human habitation, or the conversion into more than one dwelling house of a building originally constructed as one dwelling house only, shall be considered the erection of a building, but the definition in this section of a new building shall not include any building on lands belonging to any railway or canal company, and used for the purposes of their railway or canal, under the provisions of an Act of Parliament.

Measure-
ment of front
elevation.

57. For the purposes of this Act the height of the front elevation of a building shall be measured from the level of the street or court (if any) immediately adjoining the building to the eaves or square of the building.

Notices,
plans, &c. of
new build-
ing.

58. Every person who intends to erect a new building shall give 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 drawing of the front elevation of the building on a scale of not less than one inch to eight feet:
- (2.) A detailed plan and section of the building, on a scale of not less than one inch to eight feet, showing the positions and forms of the several parts and windows, and the thickness of the walls, with figured dimensions of the several parts, the waterclosets, privy, drains, cesspool, ashpit, well, and all outbuildings and other appurtenances, and showing the

then and also the intended level of the ground line of the yard or other ground belonging thereto, and the level of the lowest floor of the intended building :

A.D. 1869.

- (3.) A description of the intended mode of drainage and means of water supply :
- (4.) A block plan, on a scale of not less than one inch to forty-four feet, showing the position of all buildings within three feet of each boundary of the intended building, and of its yard or other ground belonging thereto, and the width and level of the street.

59. The Corporation shall approve or disapprove of an intended new building within twenty-one days after receipt of the notice required by this Act, and if they do not disapprove within that period, then at the end of that period they shall be taken to have approved.

Approval or disapproval by Corporation.

60. The thickness of all external and party walls of new buildings shall not be less than nine inches when they are built of brick, and shall not be less than one foot when they are built of stone, and, subject thereto, the walls of new buildings shall be of such thickness as the Corporation approve, and the foundations of new buildings shall rest on solid ground, or on concrete, or on some other solid structure.

Thickness of walls, foundations, &c.

61. It shall not be lawful for any person to erect any dwelling houses with their fronts facing each other, separated from each other by a space of less than eight yards, except where such dwelling houses are erected on the sites of buildings built before the commencement of this Act, and except where vacant plots of ground for the time being exist in any street or court already partially built on on both sides, in which latter case it shall be lawful to build up to the line of the buildings already existing in such street or court.

Space in front of dwelling houses.

62. With respect to open spaces about new buildings intended to be used as dwelling houses (in this section referred to as new dwelling houses), the following provisions shall have effect ; (namely,)

Open space about dwellings.

- (1.) Every new dwelling house shall have in the rear, or at the side thereof, an open space adjoining thereto, to the extent of at least one hundred and fifty square feet, free from any erections thereon above the level of the ground :
- (2.) Every such new dwelling house shall have in the rear, or at the side thereof, in the case of a single house, (that is to say, a house with one habitable room only on the ground floor,) an open space of the average depth of ten feet at least, free from any erections thereon for two thirds at least

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 Vict.]
Act, 1869.

A.D. 1869.

of the width of such house if the open space is at the rear, or an open space of the average width of ten feet at least for the entire length of such house if the open space is at the side :

- (3.) Every such new dwelling house shall have in the rear, or at the side thereof, in the case of a double house, (that is to say, a house with two or more habitable rooms on the ground floor,) an open space of the average depth of fifteen feet at least, free from any erections thereon for two thirds at least of the width of such house if the open space is at the rear, or an open space of the average width of twelve feet at least for two thirds of the depth of such house if the open space is at the side :
- (4.) If such new dwelling house is three storeys or more in height, the open space in the rear or side thereof shall be of the average depth of twenty feet at the least, free from any erections thereon for two thirds at the least of the width of such house when the open space is at the rear, or an open space of the average width of fifteen feet at least for two thirds of the depth of such house when the open space is at the side :
- (5.) Where new dwelling houses not abutting on a street or highway are built in a court, square, or common yard, or at the rear of houses or buildings, the distance across the open space at the rear thereof to any other house, building, or boundary fence shall not be less than ten feet in the case of a single house, and not less than fifteen feet in the case of a double house, and every such new dwelling house shall have in front thereof an open space of the depth of fifteen feet in every part thereof, in addition to the open space required at the rear or side thereof :
- (6.) The depth, width, and open space in the front or in the rear or at the side of any new dwelling house, to the extent required by this section, shall be excluded from the calculation of the depth, width, or open space in the front or in the rear or at the side of any other such house :
- (7.) The open space and the depth and width required by this section, or either such space or such depth or width, may be reduced by not more than one fifth in any case where the Corporation are satisfied on the report in writing of the surveyor that adequate ventilation is secured by the general arrangements shown on the deposited plan of the building, and so declare in their order :

(8.) In this section the word "width" means a distance measured on a line drawn parallel to the front of the house, and the word "depth" means a distance measured on a line drawn at a right angle to the width: A.D. 1869.

This section shall not extend to a building to be erected after the commencement of this Act, for the purpose of being used as a dwelling house, on the site of a dwelling house which exists at the commencement of this Act, and which was erected before the seventeenth day of December one thousand eight hundred and fifty-nine, but every such building shall have the same open space in the rear or at the side thereof as required by this section where at the time of the taking down of the existing dwelling house there is such or a greater extent of open space as by this section required, and where at that time there is not such open space then the open space in the rear or at the side thereof shall not be less than that which existed at the time of such dwelling house being taken down.

63. Whenever any open space has been left belonging to any building for the erection of which the approval of the Corporation has been obtained, such space shall never afterwards be built on so as to leave a less open space than that shown on the deposited plan approved by the Corporation, without their further approval. Continuance
of open
space.

64. In every new building every habitable room in the basement and the ground floor shall be in every part thereof eight feet six inches in height at least from the floor to the ceiling, and every other habitable room, except rooms in the roof, shall be in every part eight feet in height at least from the floor to the ceiling, and every habitable room in the roof shall be at least eight feet in height from the floor to the ceiling through not less than one half the area of the room, and one habitable room on each floor shall have an area of at least one hundred and eight superficial feet of floor. Height of
rooms.

65. In a new building every habitable room shall have at least one window, and the total area of glass in the windows, clear of the frame and sash, shall be, unless in any case the Corporation otherwise determine, at least one tenth of the area of the room, and the top of one at least of the windows shall not be less than seven feet six inches above the floor; and in case of a sash window the upper half at least shall be made to open the full width, and in case of a casement window one half at least shall be made to open. Windows in
rooms.

66. Every public building, school, shop, and factory erected after the commencement of this Act shall be supplied with means of ventilation approved by the Corporation; and every room in any Ventilation
of public
buildings.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. — house or other building used after the commencement of this Act as a day school shall, unless supplied with special means of ventilation to the satisfaction of the Corporation, be so used subject to the following regulations, (namely,) if the room is less than eight feet six inches in height from the floor to the ceiling the space for each scholar shall be nine superficial feet at least, and if it is eight feet six inches or upwards in height the space for each scholar shall be eight superficial feet at least.

Ventilation
of habitable
rooms.

67. Every habitable room built after the commencement of this Act of less area than one hundred superficial feet, and without a fireplace, shall be provided with special means of ventilation by air-shaft or otherwise, as the Corporation determine.

Prevention
of damp from
foundations.

68. Where a new house is erected on land on which no dwelling house had been previously erected, or on land theretofore used either as garden ground or as a yard, or on maiden soil, then and in each of those cases, unless the Corporation otherwise order, the soil must be excavated and removed to the depth of fifteen inches at least from the floor line, and, if required by the Corporation, a layer of concrete, clinkers, or other proper hard material, of the thickness prescribed by the Corporation, shall be spread thereon and well rammed before the floor is laid; and, unless the Corporation otherwise order, every new house shall have a course of blue bricks or slate set in cement, or of lead, or of other impervious material, for the prevention of damp, laid immediately above the ground line on each external wall.

Drainage of
buildings.

69. All houses and buildings (whether erected after the commencement of this Act or not) which in the opinion of the Corporation are without sufficient drainage shall be drained in the most effectual manner practicable, and the mode of drainage, and all materials intended to be used in the construction of the drainage of buildings, shall be subject to the approval of the Corporation, and a new house shall not be occupied until the house drainage is completed.

Construction
of house
drainage.

70. The drains of all houses and buildings shall consist of glazed stoneware or fireclay pipes or other equally suitable material in the judgment of the Corporation, and shall be connected with the sewers in such manner as the surveyor directs. They shall be laid with water-tight joints, and shall be embedded in and surrounded with well-puddled clay. No right-angle junctions, whether vertical or horizontal, shall be formed.

Ventilation
of house
drainage.

71. Proper ventilation shall, if required by the Corporation, be provided in the drainage of every house by means of the rain-water

pipe, or by special pipe or shaft, or by such other method as the Corporation directs. All other inlets to the house drains shall be properly trapped by means of syphon traps. A.D. 1869.

72. The house drainage shall be so constructed, either with additional earthenware pipes or otherwise, as to drain the subsoil of the buildings whenever the dampness of the site appears to the Corporation to make this necessary, and all rain-water shall be so drained or conveyed from the roofs, cornices, and other parts of buildings as to prevent its dripping on to the ground and causing dampness in the walls, or being a nuisance to passengers. Drainage of subsoil, &c.

73. The situation, dimensions, materials, and construction of every watercloset and privy shall be subject to the approval of the Corporation, and every watercloset or privy shall have an opening as near to the top as practicable communicating directly with the external air, or shall be otherwise furnished with sufficient means of ventilation. Construction of water-closets, &c.

74. Any provision of this Act, or of any other Act in force in the borough requiring the construction of a watercloset, shall, with the approval of the Corporation, be satisfied by the construction of an earth closet, or other place for the reception and deodorization of faecal matter, made and used in accordance with any regulation from time to time issued by the Corporation, and the Corporation may, as respects any house in which such earth closets or other places as aforesaid are in use with their approval, dispense with the supply of water required by any contract or enactment to be furnished to the waterclosets therein, on such terms as may be agreed on between the Corporation and the person providing the earth closet. Earth closets may in certain cases be constructed instead of waterclosets.

75. A cesspool shall not be allowed for a new house except when unavoidable, when it shall be constructed in such situation and in such manner as the Corporation direct. 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 watercloset or privy. Construction of cesspools, &c.

76. The situation, dimensions, materials, and construction of every ashpit shall be subject to the approval of the Corporation, and shall be of sufficient size to contain the ashes and dry refuse likely to accumulate between the prescribed visits of the scavengers. Construction of ashpits, &c.

77. The chimneys and flues of every dwelling house shall be constructed in such mode and of such materials and dimensions as the Corporation approve. All hearths and slabs connected with such chimneys and flues shall be properly bedded in incombustible. Construction of chimneys, &c.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. materials. No timber or woodwork shall be placed within four and a half inches of the inside face of any such chimney or flue, and the brickwork or stonework of every such chimney or flue shall be properly rendered.

Prohibition of thatch.

78. If any person covers any dwelling house or any building adjoining to any other building either wholly or in part with straw, thatch, or other combustible material, he shall be liable to a penalty not exceeding ten pounds, and the Corporation may order such straw, thatch, or other combustible material to be removed by the owner of such building, and in default the Corporation may remove the same, and recover the expenses of so doing from such owner.

Restrictions as to pipes and funnels for conveying smoke.

79. From and after the commencement of this Act no pipe or funnel for conveying smoke or steam shall at any time be newly fixed against any building next to any street or court or on the inside of any building nearer than nine inches to any timber or other combustible material, nor shall any funnel built or made of brick or stone, or both, be newly placed on the outside of any building next to any street or court so as to extend beyond the general line of the buildings in the street or court; and if any pipe or funnel is fixed or placed contrary to this Act, the occupier, or in case of there being no occupier then the owner of the building to which the same belongs, shall, within fourteen days next after receiving notice from the Corporation, cause the same to be removed, and on default shall be liable to a penalty of ten shillings a day for every day during which such default continues after the expiration of the time specified in such notice.

Power of inspection.

80. The surveyor may at any reasonable time inspect any building in progress of construction, or any work connected therewith, but 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 sewer or drain, 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.

Survey on completion of works.

81. Within fourteen days after a building has been completed the owner shall give notice thereof to the surveyor, and the surveyor shall forthwith proceed to survey it, and shall report to the Corporation thereon.

Notice in case of irregularity.

82. If in the erecting of a building, or the execution of any work connected therewith, anything is done in contravention of this Act, or anything required by this Act is omitted, the surveyor may,

within twenty-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 if any such owner or builder fails to comply in any respect with the requirements of the present section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such failure continues after the expiration of a time to be specified in that behalf in the notice.

A.D. 1869.

83. If any person begins to erect a new building without giving the notice required by this Act, or before the expiration of twenty-one days from the receipt by the Corporation of that notice, if given, or the previous approval of the Corporation, or begins to erect a new building which has been disapproved by the Corporation, or, after the Corporation has approved of a new building, makes, either before or after completion thereof, any alteration in the whole or in any part thereof so approved without further previous approval by the Corporation of the alteration, or does anything in contravention of this Act, or omits to do anything required by this Act or by the Corporation or surveyor under the authority of this Act, with reference to a new building, he shall be liable to a penalty not exceeding five pounds, and in 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 thereof on him.

Penalties relative to new buildings.

84. Nothing in this Act or any byelaw thereunder shall make void any agreement in writing entered into before the commencement of this Act for erecting or altering any building, but the same may be performed with such alterations as may be rendered necessary by this Act or any such byelaw, and as if such alterations had been stipulated for in such agreement, and the difference between the cost of the work according to the agreement and the cost thereof as executed according to this Act or any such byelaw shall be ascertained by the parties to the respective agreements, and paid for or deducted as the case may require; and in case of dispute such difference shall, on the request of either party (notice being given to the other), be decided by the surveyor, and for his trouble in making such decision each party shall pay to him such sum not exceeding twenty shillings as the Corporation direct.

Respecting existing contracts for building.

85. Where, under a lease or agreement for a lease, any person has before the commencement of this Act covenanted or agreed to

Alteration of contracts for building.

A.D. 1869. erect a building, such building shall be built according to the provisions of this Act, as if this Act had been passed and in operation at the time of the making of such lease or agreement, and as if the same had been made subject to this Act, and that without either party being entitled to any compensation.

IV.—BYELAWS AS TO STREETS AND BUILDINGS.

Power to make bye-laws with respect to streets, new buildings, &c.

86. Subject to the express provisions of this Act, the Corporation may from time to time make byelaws for all or any of the following purposes; (that is to say,)

For laying down regulations with respect to the level, width, and construction of new streets and courts, and the provision to be made for the drainage thereof:

For laying down regulations with respect to the structure of walls of buildings, for securing stability and the prevention of fire:

For laying down regulations with respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect to the ventilation of buildings:

For laying down regulations with respect to the drainage of buildings, and to waterclosets, privies, ashpits, and cesspools in connexion with buildings, and to their situation:

But not so as to affect by any byelaw, for any of the purposes aforesaid, any building not being a new building within the meaning of this Act.

Power to make bye-laws with respect to new and old buildings.

87. Subject to the express provisions of this Act, the Corporation may from time to time make byelaws for all or any of the following purposes; (that is to say,)

For regulating the thickness and construction of walls of or near ovens and furnaces built, or wholly or partially rebuilt, after the commencement of this Act:

For closing buildings or parts of buildings unfit for human habitation, and for prohibiting the use thereof for human habitation:

For prohibiting the occupation as a dwelling or sleeping room of any room any portion whereof extends immediately over any privy, ashpit, midden, or cesspool, or for enforcing the removal or alteration of such privy, ashpit, midden, or cesspool:

For compelling owners of buildings in streets to provide and keep proper spouts, troughs, and pipes to carry off water from the roofs and other external parts thereof:

A.D. 1869.

And byelaws for purposes of this section may affect any building, whether new or not, other than a building for the time being erected on lands belonging to the Wolverhampton and Walsall, the London and North-western, or the Great Western Railway Company, or to the company of proprietors of the Birmingham Canal Navigations, and used for the purposes of their respective railway or canal, under the provisions of an Act of Parliament.

88. Subject to the express provisions of this Act, the Corporation may provide for the observance of any byelaws made under the two last foregoing sections, by inserting therein such provisions as they think necessary,—

Provisions in byelaws for notices, &c.

As to the giving of notices;

As to the deposit of plans and sections by persons intending to lay out streets or to construct or alter buildings;

As to inspection by the Corporation;

And as to the power of the Corporation to remove, alter, or pull down any work begun or done in contravention of such byelaws.

V.—SEWERS. SANITARY ARRANGEMENTS.

89. All existing and future public sewers within the borough, and all existing and future sewers in and under the streets and courts, with all the works and materials thereunto belonging, whether made or provided at the cost of the Corporation or otherwise, and the entire management of the same, with the appurtenances, shall vest in and belong to the Corporation, and the Corporation shall maintain, cleanse, and flush the same.

Sewers and works vested in Corporation.

90. The Corporation may from time to time make the sewers necessary for the effectual sewerage of the borough, and convert any open drains or watercourses into sewers, and construct all works necessary for cleansing or flushing sewers, and may make any such sewers under the streets in the borough, and if needful they may carry sewers through and across underground cellars and vaults under any streets in the borough, doing as little damage as may be, and making full compensation for any damage done, and they may continue sewers to the most convenient site for the collection of sewage, and the disposal thereof by sale for agricultural or other

Power to construct sewers within or beyond borough.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. purposes, or otherwise, but so that the same in no case become a nuisance; and if for effecting any of the purposes aforesaid the Corporation deem it expedient to carry or construct any sewer or work under, through, or on any road, thoroughfare, or place beyond the borough, or through, under, or on any lands within or beyond the borough, the Corporation may so carry or construct the same accordingly, and remove all obstructions thereon or thereunder, making full compensation to the owners and occupiers of any such lands.

Disposition
of sewage.

91. The Corporation, for the purpose of clearing, cleansing, and emptying the sewers belonging to them or under their management, from time to time may construct and place, either above or underground, such reservoirs, sluices, engines, and other works as may be necessary, and may cause all or any of such sewers to communicate with and be emptied into such places as may be fit and necessary, and may cause any sewage or refuse therefrom to be collected for sale for any purpose whatever, and may contract with any company or persons for the sale of sewage, or for the distribution of it over any lands, and may contract for purchase or take on lease any lands, buildings, engines, materials, or apparatus for the purpose of receiving, storing, disinfecting, or distributing sewage, and may exercise the powers given by this section either within or beyond the borough, but not so as to create a nuisance, and the conveyance of any lands, easements, or rights contracted to be purchased for the purposes of sewerage works before the commencement of this Act shall be made to the Corporation.

Contract for
supply of
sewage.

92. The Corporation may from time to time, for the purpose of utilizing sewage, agree with any person as to the supply of such sewage, and works to be made for the purpose of that supply, and the parties to execute the same and to bear the costs thereof, and the sums of money, if any, to be paid for that supply; and the Corporation may contribute to the expense of the carrying into execution by such person of all or any of the purposes of such agreement, and may become shareholders in any company with which any agreement in relation to the matters aforesaid is entered into by the Corporation, or to or in which the benefits and obligations of such agreement is transferred or vested; and all expenditure in consequence of the exercise of the power conferred by this section shall be deemed to have been incurred by the Corporation in the construction or due maintenance of the necessary sewers for carrying away sewage, and shall be provided for accordingly; but no contract shall be made under this section for the supply of sewage for a period exceeding twenty-five years.

93. The Corporation may deal with any lands held by them for the purpose of receiving, storing, disinfecting, or distributing sewage in such manner as they deem most profitable, either by leasing the same for a period not exceeding fourteen years for agricultural purposes, or by contracting with some person to take the whole or a part of the produce of such lands, or by farming such lands and disposing of the produce thereof; subject to this restriction, that in any appropriation of such lands provision shall be made for receiving, storing, disinfecting, or distributing all the sewage which it is the duty of the Corporation to cause to be disposed of in that manner.

A.D. 1869.

Power to deal with land appropriated to sewage purposes.

94. The contracts set forth in the fourth schedule to this Act entered into between the Corporation by the Council as the local board of health for the borough, and the Great Western Railway Company, the company of proprietors of the Staffordshire and Worcestershire Canal Navigation, the company of proprietors of the Birmingham Canal Navigations, and Alexander Hordern, Esquire, respectively, are hereby confirmed as between and shall be carried into effect by the Corporation and those companies and Alexander Hordern respectively; and the reference made in the first and last named contracts respectively to the plans, and in the last-named contract to the section thereunto annexed, and in the thirdly-named contract to the plan drawn thereon, shall be considered as made to the copies thereof respectively certified by the surveyor, which copies are deposited in the office of the clerk of the peace for the county of Stafford, and the same shall remain in his custody, and the provisions of the Public General Act of the session of the seventh year of King William the Fourth, and the first year of Her present Majesty (chapter 83), shall apply thereto as if the same had been deposited for purposes in that Act mentioned, and copies thereof or extracts therefrom, certified by the said clerk of the peace, shall be admitted in evidence.

Confirmation of contracts in schedule.

95. It shall not be lawful for any person to cause or suffer any refuse from any manufactory or work that would be destructive of or injurious to vegetation, or that would otherwise interfere with the utilization of the sewage of the borough, to flow or pass into any sewer of the Corporation, or to flow or pass into any drain, channel, or watercourse communicating with any such sewer in such manner that the same will be carried by, through, or out of such drain, channel, or watercourse into any such sewer; and if any person is guilty of any act or omission in contravention of this section he shall be liable to a penalty not exceeding twenty pounds, and in case of a

Prohibition of throwing injurious matter into sewers, &c.

A.D. 1869.

continuing offence to a further penalty not exceeding forty shillings for every day during which such offence continues after the expiration of a time to be determined in that behalf by the justice before whom he is convicted: Provided that any person charged with an offence against this section shall not be convicted thereof if he shows to the satisfaction of the justice before whom he is charged that he has duly used the best known practicable means of depriving the refuse from his manufactory or work of qualities that would make it destructive of or injurious to vegetation, or likely to otherwise interfere with the utilization of the sewage of the borough.

Power to enlarge or demolish sewers.

96. The Corporation may from time to time, as they see fit, enlarge, alter, divert, and otherwise improve all or any of the sewers vested in them or constructed by them and under their control; and if any such sewer at any time appears to them to have become useless, they may, if they think fit, demolish and discontinue it, but not so as to create a nuisance; and if by reason of the exercise of the powers of the present section any person is deprived of the lawful use of any sewer, the Corporation shall provide some other sewer as effectual for his use as the one of which he is so deprived.

Compensation for works connected with sewers.

97. If the owner or occupier of any lands is injuriously affected by the exercise of the powers relative to sewers by this Act conferred on the Corporation, the Corporation shall pay to him compensation in respect thereof.

Penalty for making unauthorized drains.

98. If any person not authorized by the Corporation makes any sewer or drain into any sewer of the Corporation, he shall be liable to a penalty not exceeding five pounds, and the Corporation may cause such sewer or drain to be re-made as they think fit, and may recover from him the expenses of so doing; and where any person is entitled to have a communication of a sewer or drain made into a sewer of the Corporation, such communication shall be made only by the Corporation at the expense of the person so entitled, and the amount of the expense, as estimated by the surveyor, shall be paid to the Corporation before the work is commenced, and the Corporation shall restore to the person paying the same any surplus, and may recover from him any deficiency, as respectively ascertained on the completion of the work.

Buildings over sewers not to be made without consent of Corporation.

99. No building shall be erected over any sewer belonging to the Corporation without their consent first obtained in writing, and all vaults, arches, and cellars lawfully made under any street shall be substantially made, and so as not to interfere or communicate with any sewer of the Corporation; and if after the commencement of this Act any building is erected, or any vault, arch, or cellar is made, in

contravention of the provisions herein contained, the Corporation may demolish or fill up the same, and the expenses incurred thereby shall be paid by the person erecting such building, or making such vault, arch, or cellar.

A.D. 1869.

100. Where any person is the owner or occupier of any building or lands outside the borough, in respect of which he would not be liable to the payment of rates under this Act, he may, with the consent of the Corporation first obtained in writing, on payment to them of a reasonable sum of money, periodical or in gross, to be agreed on, have a communication into a sewer of the Corporation of any sewer or drain for the purposes of his building or lands aforesaid that may be lawfully made therefrom; but nothing in this Act shall affect any right acquired by such owner or occupier independently of this Act to use any sewer of the Corporation.

Sewers may be made by owners and occupiers of land beyond borough.

101. If it appears to the Corporation that any building or land was sufficiently drained before the construction of any new sewer laid down by the Corporation, they may deduct from the rates otherwise chargeable in respect thereof such a sum and for such time as under all the circumstances of the case they deem just.

Deduction from rate for building, &c. sufficiently drained.

102. If any person throws or permits to fall into any sewer or drain any cinders, ashes, bricks, rubbish, stone, earth, or other like substance, he shall be liable to a penalty not exceeding forty shillings, and the Corporation may remove the same and repair any damage caused thereby, and recover the expenses of so doing from the offender.

Penalty on throwing rubbish into sewers.

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

All sewers, &c. to be covered with traps.

104. All drains, privies, ashpits, and cesspools shall be under the survey and control of the Corporation, and shall be altered, repaired, and kept in proper order at the expense of the owners of the lands and buildings to which the same belong, or for the use of which they are constructed or continued.

Drains, privies, &c. to be under control of Corporation.

105. The Corporation may by notice require the owner of any building or lands (not being lands used exclusively for agricultural purposes) in their opinion insufficiently drained to construct a drain in such position, of such size and materials, and at such levels as seem to the Corporation sufficient for the purpose of effectually draining the same; and if the Corporation have a suitable sewer or the right to use such a sewer within one hundred feet from such

Connexion of drains with sewers.

A.D. 1869. building or the boundary of such lands, they may require such owner to connect his drain with that sewer, or if they have not any suitable sewer or right to use such a sewer within that distance, then to connect it with some proper receptacle, not being underneath a house, and not being at a greater distance than the one hundred feet aforesaid; and the owner shall keep such drain in repair and from time to time cleanse the same to the satisfaction of the Corporation: Provided that nothing in this section shall make it obligatory on any such owner to acquire any land or easement for the purpose of constructing any drain or receptacle, or of connecting any drain with any sewer.

Provisions
respecting
construction
of drains.

106. With respect to the construction of drains the following provisions shall have effect; (that is to say,)

- (1.) Where the owner or occupier of any house or building, in consequence of notice from the Corporation, or otherwise, constructs and lays down a drain from such house or building, the Corporation shall superintend and control the construction and laying down thereof, and, as far as the same passes under any street or road, shall construct and lay the same:
- (2.) The expenses incurred by the Corporation in the construction and laying of such drain shall be ascertained and certified by the surveyor, and the Corporation shall order payment thereof by the owner of such house or building either in one sum or more sums and at such time or times as they think fit; and in default of payment according to such order the same shall be recoverable by the Corporation, and the production of a copy of such order, certified under the hand of the town clerk, with proof of delivery of a copy of such order at the dwelling house or last known place of abode of the person to be charged therewith, shall be *primâ facie* evidence of the liability of such person to pay the amount therein specified:
- (3.) Provided that nothing herein shall empower the Corporation to require such owner or occupier to construct and lay down a drain if there is not a sewer of the Corporation or a sewer which they are entitled to use within one hundred feet from some part of the house or building, or to order payment of the expenses of constructing and laying down any portion of a drain lying beyond one hundred feet from some part of such house or building.

107. Where in the opinion of the Corporation there is reasonable ground to believe that the drainage of any building or of any lands (not being lands used exclusively for agricultural purposes) is defective, and in any case where the drains for any building or lands pass through any other building or lands, the surveyor may, between the hours of eight o'clock in the morning and six o'clock in the evening, enter on and inspect any such building or lands, and, if need be, make such excavations or examination thereon or therein as he thinks fit, with a view of ascertaining the state of the drainage thereof, and of any privy, ashpit, or cesspool belonging thereto or used by the occupiers thereof, doing as little damage as possible; and if on such inspection the same is found satisfactory, the Corporation shall reinstate all parts of the building and lands disturbed or excavated, and shall make compensation for any injury occasioned by the exercise of such powers; but, except in case of urgent necessity, no such entry and inspection shall be made save with the consent of the occupier or person in charge of the premises, or with the authority in writing of a justice, which authority any justice may give.

A.D. 1869.

Power to enter and inspect premises to ascertain state of drainage, &c.

108. The Corporation and any other body being a sewer authority within the Sewage Utilization Act, 1865, or any Act amending the same, may combine together for the purpose of executing and maintaining any works that may be for the benefit of their respective districts, and all money which they agree to contribute for the execution and maintenance of such common works shall in the case of the borough be deemed expenses of the execution of this Act, and in the case of the sewer authority be deemed expenses incurred by them in the execution of works within their district, and shall be raised accordingly.

Power to sewer authorities to combine.

109. The Corporation may, with the consent of the local board of any district adjoining to the borough, or with the consent of any place maintaining its own poor, adjoining to the borough, do or execute in that district or place any work or thing which the Corporation may do or execute within the borough, on such terms as to payment and other things as may be agreed on, subject and according to the following provisions; (namely,)

Power for Corporation to execute works in adjoining places.

- (1.) Any money agreed to be paid by a local board under this section shall be payable out of the general district rates leviable by them, and any money agreed to be paid by any local authority of any such place under this section shall be payable out of the rates leviable by that authority for the expenses of executing the Nuisances Removal Act, 1855, or other rates leviable by them:

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.

- (2.) The consent of any such place to any work or thing proposed to be done under this section shall be signified in the manner in which the consent of that place to the adoption of the Local Government Act, 1858, would under that Act be properly signified :
- (3.) Where the expenses of any such work or thing would, if it had been executed in the district of a local board under the powers of the Local Government Act, 1858, have been recoverable from owners or occupiers, the same shall be recoverable by the local board or local authority of the district or place respectively from such owners or occupiers :
- (4.) The local board or local authority shall make all such compensation to owners, occupiers, and others injuriously affected by any work or thing done or executed under this section as a local board is liable to make in case of works executed under the powers of the Local Government Act, 1858, the amount thereof to be determined in manner provided by that Act.

Powers of
Act cumulative.

110. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on the Corporation in relation to sewers by Act of Parliament, law, or custom, and the Corporation may exercise such other powers as if this Act had not been passed.

Sewers not
allowed to
drain into
any stream,
&c.

111. Nothing in this Act shall authorize the Corporation to make after the commencement of this Act a new sewer so as to drain direct into any stream or watercourse.

Prohibition
against con-
veying
sewage into
stream, &c.

112. Nothing in this Act shall empower the Corporation to construct or use any sewer for the purpose of conveying sewage or filthy or refuse water into any natural watercourse or stream, or into any canal, or into any feeder, watercourse, or stream running into or communicating with any canal, until such sewage or filthy or refuse water is freed from all excrementitious or other foul or noxious matter that would injuriously affect or deteriorate the purity or quality of the water in such watercourse or stream; but nothing in this section shall prevent the construction or use by the Corporation of any sewer for the purpose of conveying into any such watercourse or stream by means of storm overflows water produced by unusual rainfall.

Proceedings
to prevent
pollution of
streams.

113. The Corporation, with the sanction of Her Majesty's Attorney General, may, either in their own name or in the name of any other person, with his consent, take such proceedings by indictment, bill in Chancery, action, or otherwise, as they deem advisable, for

the purpose of protecting any watercourse or stream which is within the borough, or which is or forms part of the boundary line between the borough and any adjoining township or place, from pollution arising from sewage produced either within or without the borough, and the costs of and incidental to any such proceedings, including any costs that may be awarded to the defendant, shall be paid out of the borough fund.

A.D. 1869.

114. For the purpose of collecting and depositing nightsoil, dung, ashes, and other filth and rubbish, the Corporation may provide horses, carts, implements, and other things, and may purchase or hire any lands or buildings, and may erect any new buildings or alter any existing buildings, but such collection and deposit shall be so made and at such places as not to create a nuisance.

Power to provide for collection, &c. of nightsoil.

115. The Corporation shall make provision for the sweeping, cleansing, and watering of the streets and footways, and for the carrying and removing of snow, ice, dirt, dust, dung, cinders, ashes, rubbish, filth, and soil away therefrom and from houses, and for emptying privies, cesspools, and ashpits, but so that nothing in this Act shall authorize the Corporation to carry away or remove any dung from any stable or cowshed without the consent of the occupier thereof; and if any contractor with the Corporation for the purposes aforesaid or any of them, or any person employed by or acting under any contract or agreement with him, fails in any respect properly to perform the stipulations of any such contract with the Corporation, the contractor with the Corporation shall be liable to a penalty not exceeding five pounds, and each instance of such failure in respect of any or every street, footway, house, privy, cesspool, ashpit, or place shall be deemed a separate offence.

Power to appoint or contract with scavengers.

116. All dirt, dust, dung, nightsoil, ashes, rubbish, or filth collected or removed by the Corporation shall be the property of the Corporation, and may be sold or disposed of by them.

Dirt, &c. collected by scavengers vested in Corporation.

117. If any person other than a scavenger employed by or contracting with the Corporation empties any privy, cesspool, or ashpit, or removes any soil or ashes therefrom, or from any receptacle for soil or ashes communicating therewith, or from any street, he, and also any person employing him for that purpose, shall be liable to a penalty not exceeding forty shillings; but nothing in this section shall prevent the occupier of the house with which such privy, cesspool, or ashpit is used from emptying the same, or removing soil or ashes therefrom, in order to use the soil or ashes on any garden or land occupied by him, provided he uses the same accordingly.

Penalties on other persons than scavengers emptying privies, &c.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.

Penalty on Corporation for not causing privies, &c. to be emptied.

118. If the Corporation do not within seven days after notice in writing from the occupier of any house requiring them to empty any privy, cesspool, or ashpit belonging to such house, or used by the inmates or occupiers thereof, cause the same to be emptied, the Corporation shall pay to the occupier of the premises a sum not exceeding ten shillings for every day during which such default continues after the expiration of the said period of seven days.

Removal of rubbish in ashpits, &c.

119. If any privy, cesspool, or ashpit is used for the deposit of refuse of building or other materials, or rubbish of a like description, the Corporation may make a reasonable charge upon the occupier of the building to which such privy, cesspool, or ashpit belongs for the removal of the same.

Power to make bye-laws for regulation of scavengers, &c.

120. The Corporation may from time to time make byelaws for all or any of the following purposes; namely,

For regulating the cleansing and keeping clean of privies, and the times and mode of removal of the contents of privies, cesspools, ashpits, and receptacles for soil and ashes:

For regulating the conduct of the scavengers, and for prescribing whether they shall wear any and what badges, and for punishing extortion, imposition, misconduct, or misbehaviour in them.

Public privies and urinals.

121. The Corporation may provide, cleanse, and maintain such public privies and urinals in or near public streets or courts, or other public places, as they deem expedient, and (by agreement) in or near any private buildings or lands.

Urinals attached to public-houses, &c.

122. The Corporation may order the occupier of any inn, public-house, beerhouse, eating-house, cook-shop, or other place of public entertainment built before or after the commencement of this Act to provide and maintain upon or adjoining to his premises urinals to the satisfaction of the Corporation; and if any person fails in any respect to comply with the provisions of the present section he shall be liable to a penalty not exceeding five shillings for every day during which such failure continues after the expiration of fourteen days from the service of such order on him, and the Corporation may order the owner and occupier of any building or lands to remove any urinal belonging thereto, where it appears to them so situated or constructed as to be a nuisance, or offensive to public decency, or otherwise objectionable.

Power to deal with nuisance on premises

123. If any nuisance or annoyance to the inhabitants of the borough arises or exists in or upon any building or the curtilage thereof situated partly within and partly without the borough, the

[32 & 33 VICT.] *The Wolverhampton Improvement* [Ch. cxxxi.]
Act, 1869.

Corporation shall have, in respect of such building and curtilage, and the owner and occupier thereof, such and the like powers as they would have had if the whole of such building and curtilage had been within the borough.

A.D. 1869.

partly within
and partly
without
borough.

124. In case any watercourse, brook, ditch, drain, pool, reservoir, or other accumulation of water is or forms part of the boundary line between the borough and any adjoining township or place, and in the opinion of the Corporation requires to be drained, cleansed, scoured, deepened, widened, straightened, covered over, or otherwise improved, the Corporation and the local authority (mentioned in the Nuisances Removal Act for England, 1855, or any Act amending that Act,) of such township or place may enter into an agreement for the execution of such works, and for the payment of the expenses of and incident to the same; and if no agreement is made the Corporation may summon such local authority to appear before any two justices for the borough or the county of Stafford in petty sessions assembled, not being members of the Council, to show cause why an order should not be made by such justices for executing such permanent or other structural works in relation to the watercourse, brook, ditch, drain, pool, reservoir, or accumulation of water as may appear to the justices necessary; and such justices, after hearing the parties, or ex parte in case of the default of any of them to appear, may make such order with reference to the execution of such works, and may determine by whom the same shall be executed, and by whom and in what proportion the expenses of the execution thereof (such expenses to include compensation to any person for any damage he may sustain in or by reason of the execution of such works) shall be paid, and also the amount, time, and mode of payment of such expenses, and the same shall be paid accordingly; and in default of payment such sum may be levied upon the goods and chattels of such local authority by distress and sale thereof.

Cleansing
watercourses,
&c. forming
boundaries
of borough.

125. In any case where it is certified to the Corporation by the officer of health of the borough, or by the surveyor, or by the inspector of nuisances, or by any two registered medical practitioners, that any building or part of a building in the borough is unfit for human habitation, the Corporation 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 shall not, after a date therein specified, be inhabited, and no person, after the date or time mentioned in such order, shall let or occupy, or continue to let or occupy, or knowingly suffer or permit to be occupied, such building or part of a building; and if any person acts in any respect in

Buildings
unfit for
habitation.

A.D. 1869. — contravention of this provision he shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding forty shillings for every day during which such offence continues: Provided that if at any time after such order is made the Corporation are satisfied that such building has become or been rendered fit for human habitation, they may revoke their order, and the same shall thenceforward cease to operate, and so toties quoties.

Restrictions
on use for
dwellings of
underground
places.

126. For preventing the use for human habitation of underground places unfit for that purpose the following provisions shall take effect; namely,

- (1.) It shall not be lawful for any person to let, or suffer to be occupied, or to occupy, as a separate dwelling, any cellar, vault, or underground room not so let or occupied before the commencement of this Act; and if any person acts in any respect in contravention of the present provision he shall be liable to a penalty not exceeding ten pounds:
- (2.) In case at any time after the commencement of this Act it appears to the Corporation that any cellar, vault, or underground room occupied as a separate dwelling, having been so occupied before the commencement of this Act, is unfit for human habitation, regard being had to the mode of its construction and its condition, or to the supply or want of sanitary or other conveniences to be used therewith, the Corporation may, by order served on the owner and occupier thereof, order that the occupation thereof as a separate dwelling be from the expiration of one month from the service of such order discontinued:
- (3.) If an owner appeals against any such order, the occupation as a separate dwelling of the cellar, vault, or underground room to which the order relates need not be discontinued until the expiration of fourteen days after the confirmation of the order of the Corporation, unless such appeal ceases to be prosecuted:
- (4.) If any person lets, or knowingly suffers to be occupied, or occupies, as a separate dwelling, any cellar, vault, or underground room after the time when the occupation thereof as a separate dwelling ought to be discontinued according to the provisions of this Act, he shall be liable to a penalty not exceeding twenty shillings for every day during which the offence continues; but any owner shall not be liable to such penalty in respect of any time after he has given notice to his tenant to quit and deliver up possession of such cellar, vault, or underground room, and has ceased to

receive or claim any rent for the hire or occupation thereof, and the burden of proving such notice, and that he has ceased to receive or claim any rent as aforesaid, shall be on the owner: A.D. 1869:

- (5.) On the application of the Corporation, and proof of the order for the discontinuance of the occupation as a separate dwelling of any such cellar, vault, or underground room, and proof that no appeal in relation thereto is pending, any justice may order the occupants of such cellar, vault, or underground room to be removed, and any constable may enter therein and do or assist in doing all matters and things necessary for that purpose, and in the event of access thereto for that purpose being refused any justice may grant a warrant for forcibly entering therein; and if any person resists or wilfully obstructs any constable in the execution of his duty under the present section, he shall be liable to a penalty not exceeding twenty pounds.

127. It shall not be lawful for any person to suffer any lodgers to use as a sleeping room any room in any house belonging to or occupied by him unless there are in such room three hundred cubic feet of space at least for every person at any time using it as a sleeping room; and if any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding twenty shillings for every day during which such offence continues. Quantity of
air for
lodgers.

128. The provisions set forth in the fifth schedule to this Act shall have effect as if they were enacted in the body of this Act, with respect to houses or parts of houses let in lodgings, or occupied by members of more than one family; but nothing in this section or those provisions shall apply to common lodging houses within the Common Lodging Houses Act, 1851, or any Act amending the same. Regulations
as to lodging
houses.

VI.—PROTECTION OF WORKS.

129. Nothing in this Act shall authorize the Corporation—

- (1.) To use, injure, or interfere with any sluices, floodgates, sewers, or other works made before or after the commencement of this Act, under the authority of any commissioners of sewers appointed by the Crown, or any sewers or other works made before or after the commencement of this Act, and used for the purpose of draining, preserving, or improving lands under any local or private Act of

Saving for
sluices,
canals, &c.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.

Parliament, or for the purpose of irrigating lands, without consent in writing first obtained from such commissioners or from persons acquiring rights under such local or private Acts respectively; and nothing in this Act shall affect rights, privileges, powers, or authorities given or reserved to any person by or under such local or private Acts:

- (2.) To interfere with any river, canal, dock, harbour, lock, reservoir, or basin so as to injuriously affect the navigation thereon or the use thereof, or to interfere with any towing-path so as to interrupt the traffic thereof, in cases where any corporation, company, undertakers, commissioners, conservators, and trustees or individuals are by virtue of any Act of Parliament entitled to navigate on or use such river, canal, dock, harbour, lock, reservoir, or basin, or in respect of the navigation on or use of which river, canal, dock, harbour, lock, reservoir, or basin any corporation, company, undertakers, commissioners, conservators, and trustees or individuals are entitled by virtue of any Act of Parliament to the receipt of any tolls or other dues:
- (3.) To interfere with any watercourse or stream in such manner as to injuriously affect the supply of water to any river, canal, dock, harbour, reservoir, or basin in cases where any corporation, company, undertakers, commissioners, conservators, trustees, or individuals (being authorized by virtue of any Act of Parliament to navigate on or use such river, canal, dock, harbour, reservoir, or basin, or to demand any tolls or dues in respect of the navigation on or use of such river, canal, dock, harbour, reservoir, or basin,) would, if this Act had not been passed, have been entitled by law to prevent or be relieved against such interference (provided that in this section the term watercourse shall not be deemed to include any sewer of the Corporation):
- (4.) To interfere with any bridge crossing any river, canal, dock, harbour, or basin in cases where any corporation, company, undertakers, commissioners, conservators, trustees, or individuals are authorized by virtue of any Act of Parliament to navigate or use such river, canal, dock, harbour, or basin, or to demand any tolls or dues in respect of the navigation or use of such river, canal, dock, harbour, or basin:
- (5.) To execute any work in, through, or under any wharves, quays, docks, harbours, or basins to the exclusive use of

A.D. 1869.

which any corporation, company, undertakers, commissioners, conservators, trustees, or individuals are entitled by virtue of any Act of Parliament, or for the use of which they are entitled by virtue of any Act of Parliament to demand any tolls or dues :

without the consent in every case of such corporation, company, undertakers, commissioners, conservators, trustees, or individuals expressed in writing, in the case of a corporation under their common seal, and in the case of a company, undertakers, commissioners, conservators, trustees, or individuals, under the hand of their clerk or other duly authorized officer or agent.

130. Where any matters or things proposed to be done by the Corporation, not being within the prohibition aforesaid, interfere with the improvement of any river, canal, dock, harbour, lock, reservoir, basin, or towing-path which any corporation, company, undertakers, commissioners, conservators, trustees, or individuals are entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the navigation whereon or use whereof to demand any tolls or dues, or interfere with any works belonging to such river, canal, dock, harbour, or basin, or with any lands necessary for the enjoyment or improvement thereof, the Corporation shall give to such corporation, company, undertakers, commissioners, conservators, trustees, or individuals as last aforesaid a notice specifying the particulars of the matters and things so intended to be done; and if the parties on whom such notice is served do not consent to the requisitions thereof, the matter in difference shall be referred to arbitration, and the following questions shall be decided by such arbitration; (that is to say,)

Works interfering with improvement of rivers, &c. referred to arbitration.

(1.) Whether the matters or things so proposed to be done by the Corporation will cause any injury to such river, canal, dock, harbour, basin, towing-path, works, or land, or to the enjoyment or improvement of such river, canal, or dock, harbour, or basin :

(2.) Whether any injury that may be caused by such matters or things, or any of them, is or is not of a nature to admit being fully compensated by money.

131. The result of any such arbitration shall be final, and the Corporation may or shall (as the case may require) do as follows ; (that is to say,)

Effect of arbitration.

If the arbitrators are of opinion that no injury will be caused, the Corporation may forthwith proceed to do the proposed matters and things :

If the arbitrators are of opinion that injury will be caused, but that such injury is of a nature to admit of being compensated by

A.D. 1869.

money, they shall proceed to assess such compensation, and on payment of the amount so assessed, but not before, the Corporation may proceed to do the proposed matters :

If the arbitrators are of opinion that injury will be caused, and that it is not of a nature to admit of being compensated by money, the Corporation shall not proceed to do any matter or thing in respect of which such opinion is given.

Power for
company to
alter sewers.

132. Subject and without prejudice to the stipulations of any agreement, any corporation, company, undertakers, commissioners, conservators, trustees, or individuals owning, or authorized by virtue of any Act of Parliament to use, any railway, or to navigate on or use any river, canal, dock, harbour, or basin, or to demand any tolls or dues in respect of the navigation on such river or canal, or the use of such railway, dock, harbour, or basin, may, at their own expense, and on substituting other sewers, drains, culverts, and pipes equally effectual, and certified as such by the surveyor to the Corporation, and executed under his superintendence, take up, divert, or alter the level of any sewers, drains, culverts, or pipes constructed by the Corporation, and passing under or interfering with such railway, rivers, canals, docks, harbours, or basins, or the towing-paths of such rivers, canals, docks, harbours, or basins, and do all such matters and things as may be necessary for carrying into effect such taking up, diversion, or alteration.

Preserving
rights of
companies
or individuals.

133. Nothing in this Act shall authorize the Corporation to injuriously affect any reservoir, river, or stream, or the feeders of any reservoir, river, or stream, or the supply, quality, or fall of water contained in any reservoir, river, or stream, or feeders of any reservoir, river, or stream, in cases where any company or individuals would, if this Act had not passed, have been entitled by law to prevent or be relieved against the injuriously affecting such reservoir, river, stream, feeders, supply, quality, or fall of water, unless the Corporation have first obtained the consent in writing of such company or individuals so entitled as aforesaid.

Arbitration
questions
under pre-
ceding sec-
tions.

134. Any difference of opinion that may arise between the Corporation and any such corporation, company, commissioners, conservators, trustees, or individuals as aforesaid whether any sewers, drains, culverts, or pipes substituted under the powers of this Act for sewers, drains, culverts, or pipes constructed or laid down by the Corporation are equally effectual with those for which they are substituted, or whether the supply, quality, or fall of water in any such reservoir, river, or stream as last aforesaid is injuriously affected by the exercise of powers under the foregoing provisions of this Act, shall be determined by arbitration in like manner, and the arbitrators

shall decide the like questions as to the alleged injury, and the Corporation may or shall (as the case may require) proceed in the like way as is in this Act provided with regard to arbitrations in cases of alleged injury to rivers, canals, docks, harbours, and basins. A.D. 1869.

VII.—WATER.

135. The limits within which this Act shall be put in force with respect to waterworks and the supply of water shall be those described in the sixth schedule to this Act, to which limits the expression "the water limits of this Act" when hereafter used in this Act refers. Limits of this Act as to supply of water.

136. The Corporation shall continue and maintain and may alter and improve their existing waterworks, and, subject to the provisions of this Act, may from time to time make and maintain on lands belonging to them, or authorized to be used by them for the purposes of waterworks, all necessary pipe tracks, sluices, embankments, channels of communication, bye-washes, filtering beds, tanks, culverts, engines, drains, floodgates, and other conveniences for the effectual use and maintenance of the works by this Act authorized to be continued and maintained. Power to continue waterworks.

137. The Corporation may from time to time, on such terms and conditions as they think fit, supply water gratuitously for any purposes of public advantage within the water limits of this Act, and may supply gratuitously water for domestic and sanitary purposes to any hospitals and infirmaries, public baths, and wash-houses within those limits, whether maintained at the expense of the Corporation, or out of the rates for the relief of the poor wholly raised within those limits, or by public subscription. Gratuitous supply of water for public purposes.

138. The Corporation shall provide and keep in their pipes a supply of pure and wholesome water sufficient for the domestic use of all inhabitants within the water limits of this Act entitled to demand a supply, and willing to pay water rent. Corporation to keep supply of water in pipes.

139. The Corporation shall cause pipes to be laid down and water to be brought to every part of the district within the water limits of this Act, whereunto they shall be required by so many owners or occupiers of houses in that part of the district as that the aggregate amount of water rent payable by them annually, at the rates specified in this Act, shall not be less than one tenth part of the expense of providing and laying down such pipes; but any such requisition shall not be binding on the Corporation unless such owners or occupiers severally execute an agreement binding themselves to take such supply of water for three successive years at least. Corporation to lay pipes, &c. on requisition.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.

Penalty for
neglect to
lay pipes.

140. If for twenty-eight days after demand in writing made to the Corporation, and tender made of an agreement signed by such number of owners or occupiers as aforesaid to take and pay for a supply of water for three years or more, the Corporation refuse or neglect to lay down pipes in the manner herein-before directed, and to provide such supply of water as required by this Act, they shall forfeit to each of such owners and occupiers the amount of water rent which he would be liable to pay under such agreement, and also the further sum of forty shillings for every day during which they refuse or neglect to lay down such pipes, or to provide such supply of water.

Water to be
supplied for
domestic
purposes on
requisition.

141. The Corporation shall, at the request of the owner or occupier of any house or part of a house in any street or place in which any pipe of the Corporation is laid, or of any person who under the provisions of this Act is entitled to demand a supply of water for domestic purposes (and subject to the provisions of this Act respecting water rent), furnish to such owner, occupier, or other person a sufficient supply of water for his domestic use, and any person so furnished with water shall be entitled to demand a supply of water for any watercloset in or belonging to that house or part of a house, on payment of a water rent to be agreed on, not exceeding one pound per annum for any watercloset.

Water rent
for water for
domestic
purposes.

142. The water rent payable to the Corporation for a supply of water for domestic purposes shall be at a rate not exceeding seven per centum per annum on the rackrent or annual value of the house or part of a house supplied, but (subject to the provisions of this Act respecting compulsory supply) they shall not be obliged to furnish such a supply to any owner, occupier, or other person for a less water rent than ten shillings per annum, nor shall they be entitled to receive from any owner or occupier more than the sum of ten pounds in a year for such a supply.

Compelling
house to
obtain sup-
ply of water.

143. With respect to compulsory supply of water in certain cases, the following provisions shall have effect; (namely,)

- (1.) If any house in the borough is without a proper supply of water, the Corporation may give notice in writing to the owner thereof, requiring him within a time specified in the notice to do all works necessary for obtaining and to obtain such supply :
- (2.) For the purposes of this section the person for the time being receiving the rackrent of the house on his own account, or as agent, receiver, or trustee for any person interested, or who would receive the same if the house were let at a rackrent, shall be deemed the owner of the house :

- (3.) If the notice is not complied with, the Corporation may, if they think fit, do the works and furnish the supply accordingly: A.D. 1869.
- (4.) The expenses incurred by the Corporation in doing such works and obtaining such supply shall be paid to them by the owner:
- (5.) Those expenses may, to the extent of any rent due from the occupier, be recovered by the Corporation from the occupier in the same manner as a water rent, and may be in that case deducted by the occupier from the rent payable by him to the owner, and shall be allowed by the owner and every other person interested in the rent as if the amount had been actually paid as rent:
- (6.) If they are not recovered from the occupier they may be recovered by the Corporation from the owner (or in the case of an agent or receiver, from his principal) in any court of competent jurisdiction, and the same until paid shall be the first charge on the house, bearing interest at the rate of five per centum per annum; and the Corporation shall have the like rights and remedies in respect thereof as a first mortgagee of the house with power of sale would have:
- (7.) The water rent for such compulsory supply shall be not exceeding twopence per week.

144. A supply of water for domestic purposes shall not include a supply for waterclosets, or for cattle, or for horses, or for washing carriages, where such horses or carriages are kept for sale or hire, or by a common carrier, or a supply for any trade, manufacture, or business, or for watering gardens, or for fountains, or for any ornamental purposes. What to be deemed domestic purposes.

145. Where several houses or parts of houses in the separate occupation of several persons are supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rents for the supply of water as they would have been liable to if each of such several houses or parts of houses had been supplied with water from the works of the Corporation by a separate pipe. Several houses supplied with water by one pipe.

146. The Corporation shall, on the request of the owner or occupier of any dwelling house in any street in which their pipes are laid, and upon payment or tender of the proportion of water rent in respect of such house payable in advance, lay down communication pipes and other necessary works for the supply of such house with water for domestic purposes, and shall keep the same in repair, and thereupon the occupier of such house shall be entitled to Corporation to lay down communication pipes on request of occupier.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 Vict.]
Act, 1869.

A.D. 1869. have a sufficient supply of water for his domestic purposes from the Corporation, and the Corporation may charge for such pipes and works, in addition to the water rent, a reasonable annual rent agreed upon (or in case of dispute settled by two justices), which shall be chargeable on and recoverable from the occupier, or in his default from the owner of such house, at the same time and in the same manner as water rents, and such pipes and works shall not be subject to distress for rent, or to be taken in execution under any legal proceeding against such occupier or against such owner, unless he becomes the proprietor of the said pipes and works under the provisions herein-after contained.

Penalty for refusal to lay communication pipe.

147. If on such request and tender or payment as aforesaid the Corporation for seven days neglect or refuse to lay down such communication pipes or other works, they shall be liable to forfeit to the person making such request the sum of five pounds, and a further sum of forty shillings for every day during which such refusal or neglect continues after seven days from the making of the request and tender.

Power to remove pipes and recover expenses of owners or occupiers.

148. If the occupier for the time being of the house for the use of which any such communication pipes or other works are laid down by the Corporation refuses to pay for a supply of water, or if such house is unoccupied for twelve months, the Corporation may demand from the owner thereof payment of the amount of the principal money invested by them in providing and laying down such pipes and works, and if such owner, after ten days notice given to him by the Corporation, neglects or refuses to pay such principal money, the Corporation may enter the house and remove such pipes and works, and the balance of such principal money, after deducting the value of such pipes and works, with all arrears of rent for such pipes and works, shall in default of payment be recovered, with the costs incurred, from the owner, or on his default from the occupier, as water rents are recoverable.

Owner to be at liberty to purchase the pipes.

149. The owner or reputed owner of any house where any such communication pipes or other works are laid down by the Corporation may at any time pay off the amount then due to the Corporation in respect of the cost of providing and laying down the same, and all rent to that time due in respect thereof, and thereupon the same shall become the property of such owner, and all further rent in respect thereof shall cease to accrue to the Corporation.

Service pipes may be removed after notice.

150. Any person who becomes the proprietor of any pipe may remove the same after having first given six days notice in writing to the Corporation of his intention so to do, and of the time of such proposed removal; and every such person shall make compensation

[32 & 33 VICT.] *The Wolverhampton Improvement* [Ch. cxxxi.]
Act, 1869.

to the Corporation for any injury or damage to their pipes or works caused by such removal; and every person who removes any such pipe or other works without giving such notice as aforesaid shall forfeit to the Corporation a sum not exceeding five pounds over and above the damage done to the pipes or works.

A.D. 1869.

151. Any such person may open or break up so much of the pavement of any street as lies between the pipe of the Corporation and his house, building, or premises, and any sewer or drain therein, for the purpose of effecting any such removal as aforesaid, doing as little damage as may be, and making compensation for any damage done in the execution of any such work; but every such person desiring to break up the pavement of any street, or any sewer or drain therein, shall be subject to the same necessity of giving previous notice, and to the same control, restriction, and obligations in and during the time of breaking up the same, and to the same obligation of reinstating the same, and to the same penalties for any delay in regard thereto, as the Corporation are subject to by virtue of this Act.

Power to inhabitants to break up pavements, giving notice of the same.

152. The Corporation may supply any person with water for trading or manufacturing purposes, or for any purposes other than domestic purposes.

Supply for trading and manufacturing purposes.

153. The water rent payable to the Corporation for a supply of water for other than domestic purposes shall be such as may be from time to time agreed on between them and the persons supplied.

Water rent for water for other than domestic purposes.

154. If the Corporation fail to furnish to any owner, occupier, or person entitled under this Act to receive a supply of water during any part of the time for which the water rent for such supply is paid or tendered, they shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding forty shillings for every day during which such failure continues after notice in writing given to them thereof.

Penalty for non-supply for domestic purposes.

155. The Corporation shall not, in the absence of special agreement, be liable to any penalty under this Act or otherwise, or to any damages, for not supplying water as required by this Act, if the want of such supply arises from frost, unusual drought, or other unavoidable cause or accident.

Want of supply when excused.

156. Water rent shall be paid in equal quarterly payments, in advance, by the person requiring, receiving, or using the supply of water, the first payment to be made at the time when the pipe by which the water is supplied is made to communicate with the pipes of the Corporation, or at the time when the agreement to take water from the Corporation is entered into; and if any person becomes the

Water rent to be payable in advance.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. occupier of any building or land previously supplied with water by the Corporation, he shall, if he does not require such supply, forthwith give the Corporation notice of the same; and if any such person neglects, within three days after commencing such occupation, to give such notice, he shall be liable to pay the water rent for the residue of the current quarter.

Owners of houses not exceeding ten pounds rent to be liable to water rents.

157. The owners of all dwelling houses or parts of dwelling houses occupied as separate tenements, the annual value of which houses or separate tenements does not exceed ten pounds, shall be primarily liable to the payment of the water rents (for which purpose the person receiving the rents of any such house or tenement as aforesaid from the occupier thereof on his own account, or as agent or receiver for any person interested therein, shall be deemed the owner of such house or tenement), and in default of payment thereof by the owner the occupier shall be liable for the same as if the present section had not been inserted in this Act.

Recovery of water rents.

158. Any water rent may be recovered as improvement rates are recoverable under this Act, and where any person is liable to pay to the Corporation a water rent not exceeding twenty shillings a quarter, and any quarterly payment thereof is due and remains unpaid for ten days after demand in writing served on the person liable, with notice of distress in default of payment, and the person liable does not within that period of ten days give notice in writing to the Corporation that he disputes the demand, then the Corporation, or any person acting under their authority, may levy the sum due, with costs, by distress and sale of the goods and chattels of the person liable, wheresoever such goods and chattels may be found, in like manner as rents in arrear on common demise are by law recoverable, rendering the surplus (if any) to the person whose goods and chattels were distrained, after deducting the necessary charges of distress and sale.

Rent for water may be ascertained by meter.

159. The Corporation and any person desirous of having a supply of water may agree that the rent for such supply shall be determined by the quantity of water consumed, to be ascertained by a meter to be provided or approved by the Corporation, and may agree on the amount of the rent to be paid for such supply.

Power to let meters for hire.

160. The Corporation may let for hire any meter or instrument for measuring the quantity of water supplied and consumed, and any pipes and apparatus for the conveyance, reception, or storage of the water, for such remuneration in money as may be agreed upon between them and the hirer, which shall be recoverable as water rent, and the meters, instruments, pipes, and apparatus shall not be subject to distress for rent of the premises where the same are used,

or be attached or taken in execution under any legal proceeding against or affecting the consumer of the water, or the occupier of the premises, or other the person in whose possession the meters, instruments, pipes, and apparatus may be.

A.D. 1869.

161. Any person acting under the authority of the Corporation may, between the hours of nine in the forenoon and four in the afternoon, or at any other time, with the authority in writing of a justice, enter into any building or lands to, through, or into which water is supplied by the Corporation in order to examine if there is any waste, misuse, undue consumption, or contamination of such water, and to inspect the meters, instruments, pipes, and apparatus connected with the supply or use of water, and to ascertain the quantity of water consumed or supplied.

Power to enter houses to inspect, &c.

162. In the following cases; (namely,)

(1.) If any person supplied with water by the Corporation fails to pay any water rent due from him to the Corporation :

(2.) If any such person wrongfully does, or causes or permits to be done, anything in contravention of the provisions of this Act relating to the supply of water, or wrongfully fails to do anything which he ought to do for the prevention of the waste, misuse, undue consumption, or contamination of the water of the Corporation :

(3.) If any person acting under the authority of the Corporation is refused admittance into any building or lands for any of the purposes of the provisions of this Act relative to water supply, or is prevented from making any inspection or examination therein :

Power to cut off supply on failure in payment of water rent, &c.

the following provisions shall have effect; (that is to say,)

(1.) The Corporation may, notwithstanding any existing contract with the person supplied with water, and without prejudice to any other remedy or proceeding against him, cut off any service or other pipe used by him for the supply to him of water, or turn off or otherwise stop the supply to him of water (as the case may be), and may cease to supply him with water (as the case may be) until he has paid the water rent (as the case may be) due from him, together with all expenses incurred by the Corporation in or about the cutting off of any pipe, or the turning off or otherwise stopping of any such supply, or (as the case may be) so long as his wrongful act or omission continues or is not remedied :

(2.) Any officers and workmen of the Corporation, after giving twenty-four hours previous notice to the occupier, or, if

A.D. 1869.

the building is unoccupied, to the owner, may enter into the building or lands supplied between the hours of nine in the forenoon and four in the afternoon, or at any other time with the authority in writing of a justice, and remove and carry away any meter, instruments, pipes, apparatus, or other works the property of the Corporation, making compensation to the owner for any damage sustained by him.

Regulations
for prevent-
ing waste,
&c. of water.

163. For preventing waste, misuse, undue consumption, or contamination of the water of the Corporation, the following provisions shall have effect; (namely,)

- (1.) The Corporation may from time to time make such reasonable regulations as they think necessary for the objects aforesaid, to be observed by persons supplied with water:
- (2.) By any such regulation the Corporation may direct the use, and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair of the pipes, valves, water meters, cocks, cisterns, soil-pans, waterclosets, and other apparatus or receptacles, or any of them, to be used by such persons respectively for carrying, delivering, measuring, and receiving water, and may interdict any arrangement and the use of any pipe, valve, cock, cistern, soil-pan, watercloset, or other apparatus or receptacle in their judgment likely to occasion waste, misuse, undue consumption, or contamination of water:
- (3.) The Corporation shall not be bound under any agreement or otherwise to supply or to continue to supply water to any person unless such regulations as are for the time being in force are duly observed by him:
- (4.) In case of the failure of any such person to observe such regulations as are for the time being in force, the Corporation may, if they think fit, after one hour's notice in writing, or in cases of emergency without notice, by or under the direction of their authorized officer, repair, replace, or alter any pipe, valve, water meter, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle belonging to or used by any person supplied by them; and the power of entry given by this Act for the purpose of examination and inspection shall extend and apply to entry for the purpose of such repair, replacement, or alteration, and the expense of every such repair, replacement, or alteration shall be repaid to the Corporation by

the person on whose credit the water is supplied, and may be recovered by them in the same manner as water rent is recoverable.

A.D. 1869.

164. The Corporation may, if requested, by and at the costs of any person supplied or about to be supplied by them with water, furnish to him and from time to time repair or alter any such pipes, valves, water meters, cocks, cisterns, baths, soil-pans, waterclosets, apparatus, and receptacles as are required or permitted by their regulations, and such costs may be recovered by the Corporation as water rent is recoverable, and the Corporation may provide all materials and do all work necessary or proper for the purposes of this section.

Power for Corporation to supply materials, &c.

165. A notice to the Corporation for the discontinuance of a supply of water shall not be of any effect unless it is in writing, signed by the person desiring and having the power to discontinue, and is left at the waterworks office of the Corporation.

Notice of discontinuance.

166. It shall not be lawful for the owner or occupier of any building supplied with water by the Corporation, or any consumer of the water of the Corporation, or any other person, to affix, or cause or permit to be affixed, any pipe or apparatus to a pipe belonging to the Corporation, or to a communication or service pipe belonging to or used by such owner, occupier, consumer, or other person, or to make any alterations in any such communication or service pipe, or in any apparatus connected therewith, without the consent in every case of the Corporation; and if any person acts in any respect in contravention of the provisions of the present section he shall be liable to a penalty not exceeding five pounds, without prejudice to the right of the Corporation to recover damages from him in respect of any injury done to their property, and without prejudice to their right to recover from him the value of any water wasted, misused, or unduly consumed.

Penalty for extension or alteration of pipes.

167. If any person—

First, not having from the Corporation a supply of water for other than domestic purposes, uses for other than domestic purposes any water supplied to him by the Corporation; or,
Secondly, having from the Corporation a supply of water for any other than domestic purposes, uses for any purposes other than those for which he is entitled to use the same any water supplied to him by the Corporation;

Penalty for application of water contrary to agreement.

he shall for every such offence be liable to a penalty not exceeding five pounds, without prejudice to the right of the Corporation to recover from him the value of the water misused.

A.D. 1869.

Penalty for
allowing
persons to
wrongfully
use the
water.

168. If without the licence of the Corporation any owner or occupier of any building supplied with water by the Corporation supplies to any other person or wilfully permits him to take any such water from any cistern or pipe in such building, unless for the purpose of extinguishing fire, or unless he is a person supplied with water by the Corporation, and the pipes belonging to him are without his default out of repair, such owner or occupier shall be liable to a penalty not exceeding five pounds, and the existence of any communication pipe or other apparatus suited for such supply or permission shall be *primâ facie* evidence of such supply or wilful permission; provided always, that the aforesaid provision shall not apply to any railway company permitting any person travelling or about to travel on any railway obtaining a supply of water for drinking at any railway station, or the officers belonging thereto.

Penalty for
use of water
without
agreement.

169. Except as herein-before excepted, if any person not being supplied with water by the Corporation wrongfully takes or uses any water from any reservoir, watercourse, conduit, or pipe belonging to the Corporation, or from any pipe leading to or from any such reservoir, watercourse, conduit, or pipe, or from any cistern or other like place containing water belonging to the Corporation, or supplied by them for the use of any consumer of the water of the Corporation, he shall be liable to a penalty not exceeding five pounds, without prejudice to the right of the Corporation to recover from him the value of the water taken or used.

Penalty for
destroying
valves, &c.

170. If any person wilfully or carelessly breaks, injures, or opens any lock, cock, valve, pipe, work, or engine belonging to the Corporation, or flushes, turns, or draws off the water from the mains, pipes, reservoirs, or other works of the Corporation, or does any other wrongful act whereby such water is wasted, he shall be liable to a penalty not exceeding five pounds.

Penalties for
causing
water to be
fouled, &c.

171. If any person does any of the following things; (that is to say,)

Bathes in any reservoir, aqueduct, or other waterworks belonging to the Corporation, or washes, throws, or causes to enter any cattle, dog, or other animal:

Throws, places, or deposits any rubbish, dirt, filth, or other noisome thing into any such reservoir, aqueduct, or waterworks, or into the Cosford Brook, from which water is taken by the Corporation below its junction with the Albrighton Brook, or into the Albrighton Brook, or washes or cleanses therein any cloth, wool, leather, or skin of any animal, or any clothes or other thing:

[32 & 33 VICT.] *The Wolverhampton Improvement* [Ch. cxxxii.]
Act, 1869.

Causes the water of any sink, sewer, drain, steam engine, or boiler, or other filthy water belonging to him or under his control, or any water carrying refuse from any manufactory or work, to run or be brought into any such reservoir, aqueduct, or waterworks, or into the brooks as aforesaid, or does any other act whereby the water of the Corporation is fouled :

A.D. 1869.

he shall be liable to a penalty not exceeding five pounds, and in case of the last-mentioned offences, or any of them, to a further penalty not exceeding twenty shillings for every day (if more than one) on which that offence is continued.

172. If any person making or supplying gas at any time causes or suffers to be brought or to flow into any stream, reservoir, aqueduct, or waterworks belonging to the Corporation, or into any drain communicating therewith, any washing or other substance produced in making or supplying gas, or wilfully does any act connected with the making or supplying of gas whereby the water in such stream, reservoir, aqueduct, or waterworks is fouled, he shall forfeit to the Corporation the sum of two hundred pounds, to be recovered, with full costs of suit, in any of the superior courts; but such penalty shall not be recoverable unless sued for during the continuance of the offence, or within six months after it has ceased; and in addition to the said penalty, and whether such penalty has been recovered or not, the person making or supplying gas as aforesaid shall forfeit to the Corporation the sum of twenty pounds, to be recovered in like manner, for each day during which such washing or substance is brought or flows as aforesaid, or during which the act continues by which such water is fouled, after the expiration in either case of twenty-four hours from the time when notice of the offence has been served on such person by the Corporation.

Penalty for permitting substances produced in making gas to flow into water.

173. Whenever the water of the Corporation is fouled by the gas of any person making or supplying gas, such person shall forfeit to the Corporation a sum not exceeding twenty pounds, and a further sum not exceeding ten pounds for each day during which the offence continues after the expiration of twenty-four hours from the service of notice of such offence.

Penalty if water contaminated by gas.

174. For the purpose of ascertaining whether the water of the Corporation is fouled by the gas of any person making or supplying gas, the Corporation may dig up the ground and examine the pipes, conduits, and works of the person making or supplying gas, provided that before proceeding so to dig and examine the Corporation shall give twenty-four hours notice in writing of the time and place

Power to examine gas pipes to ascertain cause of water being fouled.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. at which such digging and examination are intended to be made to the person making or supplying gas, and to the persons having the control or management of the road, pavement, or place where such digging is to be done, and they shall be subject to the like obligation of reinstating the road, pavement, or place, and the same penalties for delay or any nonfeasance or misfeasance therein, as in this Act provided with respect to roads and pavements broken up by the Corporation for the purpose of laying pipes for water purposes.

Expenses to abide result of examination.

175. If on such examination it appears that such water has been fouled by any gas belonging to such person, the expenses of the digging, examination, and repair of the street or place disturbed in any such examination shall be paid by the person making or supplying gas, but if on such examination it appears that the water has not been fouled by the gas of such person, then the Corporation shall pay all the expenses of the examination and repair, and also make good to such person any injury thereby occasioned to his works.

Power to break up streets, &c.

176. The Corporation may, subject to the provisions of this Act, open and break up the soil and pavement of the several streets and bridges within the water limits of this Act, and take up or remove any sewers, drains, pipes, tunnels, works, or obstructions within or under such streets and bridges, and lay down and place within the same limits pipes, conduits, service pipes, and other works, and from time to time repair, alter, or remove the same, and for the purposes aforesaid remove and use all earth and materials in and under such streets and bridges, and do all other acts which the Corporation from time to time deem necessary for supplying water within the same limits, doing as little damage as may be in the execution of the powers hereby granted, and making compensation for any damage done in the execution of such powers.

Not to enter on private land without consent.

177. Nothing in the last foregoing section shall empower the Corporation to lay down or place any pipe, conduit, service pipe, or other work in any lands not dedicated to public use without the consent of the owners and occupiers thereof, but the Corporation at any time may enter upon and lay or place any new pipe in the place of an existing pipe in any place where any pipe has been then already lawfully laid down or placed, and may take up, remove, repair, or alter any pipe so laid down.

Power to place pipes over canals.

178. Notwithstanding anything in this Act, the Corporation may from time to time, within the water limits of this Act, place any pipe for the conveyance of water over any canal, leaving head room of

not less than twelve feet between the top water level of the canal and the under or lower side of the pipe and other works by which the same is carried over the canal, and placing the pillars or supports of any such pipe the clear width of the canal and towing-path, and in any such case doing as little damage as may be, and making compensation for any damage done, and may from time to time repair, alter, or remove any such pipe, and for the purposes of executing any of the powers of the present section may from time to time enter on any lands of the company or persons proprietors of the canal, and for the purpose of putting up and erecting any pier, pillar, or other structure to support any such pipe (but not otherwise) may from time to time break up the soil or surface of any such lands; but all works done by the Corporation by virtue of the powers of the present section shall be done under the superintendence and to the reasonable satisfaction of the engineer of the company or persons proprietors of the canal affected; and in case of any difference arising touching the mode of executing any works under the present section, the same shall be determined by a referee appointed by the Board of Trade, on the application of either party, and the costs of any such reference shall be in the discretion of the referee.

A.D. 1869.

179. Before the Corporation open or break up any street or bridge, or take up or remove any sewer, drain, pipe, tunnel, work, or obstruction, they shall give to the persons under whose control or management the same may be (if any such persons there be other than the Corporation), or to their clerk, surveyor, or other officer, notice in writing of their intention to open or break up, take up, or remove the same not less than three clear days before beginning such work, except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as is possible after the beginning of the work, or the necessity for the same has arisen.

Notice to persons having control, &c. before breaking up streets or opening drains.

180. No such street, bridge, sewer, drain, pipe, tunnel, work, or obstruction shall, except in the cases of emergency aforesaid, be opened or broken up except under the superintendence of the persons having the control or management thereof (if any such there be other than the Corporation), or of their officer, and according to a plan approved of by such persons or their officer, or in case of any difference respecting such plan, then according to such plan as shall be determined by two justices; and such justices may, on the application of the persons having the control or management of any such sewer or drain (if any as aforesaid), or their officer, require the Corporation to make such temporary or other works as they may think necessary for guarding against any interruption of the drainage

Streets, &c. not to be broken up except under superintendence of persons having control.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. — during the execution of any works which interfere with any such sewer or drain: Provided always, that if the persons having such control or management as aforesaid, and their officer, fail to attend at the time fixed for the opening of any such street, bridge, sewer, drain, or tunnel, after having had such notice of the intention of the Corporation as aforesaid, or do not propose any plan for breaking up or opening the same, or refuse or neglect to superintend the operation, the Corporation may perform the work specified in such notice without the superintendence of such persons or their officer.

Streets, &c.
broken up
to be rein-
stated with-
out delay.

181. When the Corporation open or break up the road or pavement of any street or bridge, or take up or remove any sewer, drain, pipe, tunnel, work, or obstruction, they shall with all convenient speed complete the work for which the same is opened or broken up, and fill in the ground, and reinstate and make good the road or pavement, or the sewer, drain, pipe, tunnel, work, or obstruction so opened or broken up, or taken up or removed, and carry away the rubbish occasioned thereby, and shall at all times, whilst any such road or pavement is so opened or broken up, cause the same to be fenced and guarded, and cause a light sufficient for the warning of passengers to be set up and kept there every night during which such road or pavement is continued open or broken up, and shall, after replacing and making good the road or pavement so broken up, keep the same in good repair; but where any person other than the Corporation are liable to the maintenance of the road or pavement, then only for three months thereafter, and such further time, if any, not being more than twelve months in the whole, as the soil so broken up continues to subside.

Penalty for
delay in
reinstating
streets, &c.

182. If the Corporation open or break up any street or bridge, or take up or remove any sewer, drain, pipe, tunnel, work, or obstruction, without giving such notice as aforesaid, or in a manner different from that approved of or determined as aforesaid, or without making such temporary or other works as aforesaid, when so required, except in the cases in which the Corporation are authorized to perform such works without any superintendence or notice, or if the Corporation make any unnecessary delay in completing any such work, or in filling in the ground, or reinstating and making good the road or pavement, or the sewer, drain, pipe, tunnel, work, or obstruction so opened or broken up, or taken up or removed, or in carrying away the rubbish occasioned thereby, or if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the road or pavement in repair for such time as aforesaid after the same is made good, they shall forfeit to the persons having the control or

management of the street, bridge, pipe, sewer, drain, tunnel, work, or obstruction in respect of which such default is made (if any such there be other than the Corporation) a sum not exceeding five pounds for every such offence, and an additional sum of five pounds for each day during which any such delay as aforesaid continues after they receive notice thereof. A.D. 1869.

183. If any such delay or omission as aforesaid takes place, the persons having the control or management of the street, bridge, sewer, drain, pipe, tunnel, work, or obstruction in respect of which such delay or omission takes place may cause the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to such persons by the Corporation. In case of delay other parties may reinstate, and recover the expenses.

184. The following provisions are hereby incorporated with this Act; namely, Incorporation of parts of Waterworks Clauses Acts.

(1.) The provisions of the Waterworks Clauses Act, 1863, with respect to the security of the reservoirs constructed by the undertakers :

(2.) The provisions of the Waterworks Clauses Act, 1847, with respect to mines.

185. The Acts parts whereof are set forth in the third schedule to this Act shall, to the extent of those parts, but not further, be binding against and in favour of the Corporation as if the obligations and powers by those parts imposed and conferred on a company (otherwise than in relation to the Corporation) had been originally imposed and conferred on the Corporation instead of on a company; but nothing in this Act shall be deemed to repeal any Act relating to the Wolverhampton Waterworks Company or to the Wolverhampton New Waterworks Company, or any part of any such Act; and if in any case either of those companies exercises any right vested in them of re-entry on the waterworks undertaking of the Corporation, or any part thereof, then and in every such case, notwithstanding anything in this Act, all Acts relative to that company shall have and shall be deemed to have always had in all respects all such force and operation as they would have had if this Act had not been passed, and that company shall have and be subject to such powers, rights, duties, and obligations only as they would have had and been subject to if this Act had not been passed. Application of parts of Water Acts.

186. Nothing in this Act shall exempt the Corporation from liability for any injury or damage occasioned by the failure or want of repair of any of the reservoirs, embankments, culverts, weirs, pipes, conduits, or other waterworks. Act not to exempt Corporation from liability.

187. The Corporation shall from time to time set apart out of the profits of their waterworks undertaking, but not out of any other Reserve fund for contingencies as to waterworks.

A.D 1869. receipts, such sum as they think proper to form a reserve fund to meet contingencies, or for repairing or improving from time to time works connected with that undertaking, and may invest and accumulate the sum so set apart in the way of compound interest or otherwise, until the reserve fund amounts to a sum of five thousand pounds, and from time to time, if and as occasion requires, shall apply the reserve fund to the purposes for which it is created, and shall so proceed from time to time, if and as the amount thereof is reduced by such application; and as long as the reserve fund unapplied amounts to five thousand pounds they shall carry the interest, dividends, or annual income thereof to the improvement fund under this Act, and the same shall form part of that fund.

VIII.—PARKS; TOWN HALL AND PUBLIC BUILDINGS;
TELEGRAPHS; PUBLIC CLOCKS.

Power to purchase lands for formation of parks, and to form parks, &c.

188. The Corporation may from time to time purchase by agreement, or take at a rent or on lease, any lands within the borough or in the neighbourhood thereof, to be appropriated for the purposes of parks or places of public resort or recreation, or the enlargement or improvement thereof or of the approaches thereto, and for the purposes of any such park or place construct, enlarge, maintain, and repair or take down such buildings, walls, and fences as they think proper, and stop up and discontinue any footpath, road, or way in, upon, through, or over any lands forming part of any such park or place, and level, drain, sewer, pave, flag, gravel, lay out, plant, or otherwise improve every such park or place, and do such other acts as appear necessary to the Corporation with a view to the proper formation, maintenance, improvement, use, and enjoyment of every such park or place.

Power to make bye-laws for regulation of parks, &c.

189. The Corporation may from time to time make byelaws for all or any of the following purposes relating to any such park or place of public resort or recreation as aforesaid; that is to say,

For appointing and regulating keepers or servants employed therein:

For regulating the days on and hours at which the park or place is to be opened and closed:

For regulating the conduct of persons frequenting the park or place:

For regulating the days on and hours at which games and gymnastics are to be permitted therein:

For regulating the days on and hours at which bands of music, or music of any sort, are or is to be permitted therein:

For regulating refreshment rooms therein, and for determining the days on and hours at which they are to be opened and closed, and the nature and price of the articles and things to be sold therein : A.D. 1869.

For preventing or regulating the admission therein of dogs :

For preventing males from intruding on or using playground or other places therein set apart for the use of females, and vice versa :

For preventing or regulating the admission therein of vehicles and horses :

For protecting from injury buildings, terraces, fountains, bridges, walks, seats, fences, and other parts of or things belonging to the park or place, and for preventing the destruction or injury of aquatic or other birds, or of other animals, or of trees, shrubs, plants, or flowers, or the plucking of flowers or leaves therein :

For enabling the servants of the Corporation to exclude therefrom persons not being clean, or not being dressed in clean and decent clothes, and to remove therefrom persons guilty of a breach of any byelaw relative thereto or of any public law.

190. The Corporation may take down and remove the existing Town Hall and other buildings belonging to or used by them for purposes of the Corporation under the Municipal Corporation Acts, or otherwise, and may build on the site thereof, or on other land belonging to or held by them, another town hall and sessions courts, police courts, gaols, station-houses, a vestry hall, and other public offices and buildings, and may from time to time enlarge and improve the same, and furnish and fit up the same with all proper furniture and conveniences, and may let the vestry hall on lease or otherwise, and may let or allow the use of other public buildings belonging to them for such purposes as they think fit, if and when the same are not required for purposes of the Corporation, and may dispose by sale, lease, or otherwise of the sites of existing buildings belonging to them, or so much thereof as is not required for new buildings, and may dispose of the materials of existing buildings when taken down, or may dispose by sale, lease, or otherwise of existing buildings belonging to them and not required for purposes of the Corporation, without taking down and removing the same. Power to provide town hall, courts, gaols, &c.

191. The Corporation may from time to time establish and maintain such telegraphs as they think expedient or necessary for the better execution of any of the powers or authorities for the Power to establish telegraphs.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 Vict.]
Act, 1869.

A.D. 1869. time being vested in them under the Municipal Corporation Acts or this Act; and in relation to any such telegraphs, for the purposes of the Telegraph Act, 1863, the Corporation shall be in the like position in all respects as a company authorized by special Act of Parliament to construct and maintain telegraphs, so, however, that it shall not be requisite for the Corporation to give any notice respecting the opening, for the purposes of telegraphs, of any street or court under their own management; but nothing in this Act shall authorize the Corporation to work telegraphs in consideration of money payment, or for any purpose other than the execution of their powers and authorities aforesaid.

Power to provide public clocks.

192. The Corporation may from time to time provide, place, and light such clocks as they consider expedient in, on, or against any public building, or, with the consent of the owner and occupier, in, on, or against any private building, or, with the consent of the incumbent and churchwardens, or of the trustees, in, on, or against any church or chapel.

IX.—MARKETS AND FAIRS AND SLAUGHTER-HOUSES.

Power to continue and establish markets and fairs and slaughter-houses.

193. With respect to markets and fairs and the providing of slaughter-houses within the borough, the Corporation shall have the following powers and duties; (namely,)

- (1.) They may continue and from time to time appoint and provide proper market places and market houses for the sale of marketable articles, and places for fairs, with proper approaches, works, and conveniences:
- (2.) They may continue the general market held in the Market Hall, and the wholesale market held in the streets and approaches thereto, and the cattle market and fat pig market held between Cleveland Road and Bilston Street, and the hay and straw market and annual fair held in the borough, and may from time to time establish and hold new markets and fairs:
- (3.) They shall provide and keep sufficient and proper weighing-houses or places, weights and measures, scales and machines, for weighing or measuring articles and weighing carts in the markets or fairs, and shall appoint and keep proper persons to attend to such weighing or measuring during the holding of the markets or fairs:
- (4.) They may from time to time provide proper slaughter-houses, with all necessary fittings and conveniences:

A.D. 1869.

- (5.) They may demand and receive tolls, stallages, and rents (not exceeding the tolls, stallages, and rents specified in the seventh schedule to this Act) from persons selling or offering or exposing for sale articles in the said general market, wholesale market, cattle market, fat pig market, hay and straw market, and annual fair, and in any new market or fair to be established and held under this Act, or using the buildings or conveniences in the markets or fairs, or frequenting the markets or fairs, or using the weighing house or places, weights, measures, scales, or machines, in the markets or fairs, or using the slaughter-houses :
- (6.) They may alter or discontinue any market or fair, and enlarge, improve, alter, or remove any market place or market house, or any place for fairs, or any approach, work, or convenience, or any weighing house or place, or any slaughter-house :
- (7.) For the purposes aforesaid they may from time to time purchase by agreement any lands, or appropriate any lands for the time being belonging to them or under their control.

194. The limits of the markets and fairs of the Corporation shall be the same as the limits of the borough.

Limits of markets and fairs.

195. The Corporation may from time to time make byelaws for all or any of the following purposes ; namely,

Power to make byelaws for regulation of markets, tolls, &c.

For appointing the days on which and the hours during which any market or fair is to be held, and the time during which and the mode in which any article may be sold or exposed or offered for sale in any market or fair, and for the removal of any article, and of persons, from any market or fair after sale, or at the close of the market or fair :

For regulating the use of the market places, market houses, and places for fairs, and the buildings, conveniences, and works connected therewith, and the weighing houses or places, and the slaughter-houses, and for preventing the bringing therein of any diseased, injured, offensive, injurious, adulterated, or deceptive article, and for preventing nuisances and obstructions therein or in the approaches thereto, and damage and danger thereto :

For fixing the amount of the tolls, stallages, and rents which the Corporation will demand and receive in respect of markets and fairs, weighing houses and places, and slaughter-houses, and for regulating the time when the same respectively shall become due and payable, and the collection thereof.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.

Public
notice of
removal of
markets, &c.

196. Notwithstanding anything in this Act, before the Corporation remove any market or fair, or alter the day for holding any market or fair, they shall give at least one month's public notice by advertisement in some one or more newspapers circulating in the borough, and by placards affixed to conspicuous places in the borough, and a statutory declaration by an officer of the Corporation to the effect that public notice has been given in accordance with this section shall be received as evidence of the facts thereby declared.

Day for
annual fair.

197. Unless and until the Corporation otherwise order under this Act, the annual fair held in the borough shall be held on three successive days, the first thereof being the tenth day of July, if a Monday, but if not, then the Monday next following the tenth day of July.

Licence for
sale out of
market.

198. The Corporation may from time to time, if they think fit, grant to any person a licence to sell or expose for sale in a place other than a market place or market house, or from door to door, any article in respect of the sale or exposure for sale whereof in any market place or market house, or in respect of the user of any stall or other convenience for the sale or exposure for sale whereof in any market place or market house, any toll, stallage, or rent is leviable by or payable to the Corporation, every such licence 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 cases as the Corporation prescribe; and the Corporation may demand and take for every such licence any sum not exceeding one pound, which shall be paid by them to the lessee for the time being (if any) of the market for his own use, and if any person does any act for which such a licence is authorized without having obtained such a licence, or does any act in contravention of or omits to do anything required by a licence 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.

Prohibition
of sale
except in
markets, &c.

199. If any person sells or exposes for sale, except in his own dwelling place or place of business, or carries about for sale, any article in respect of which the Corporation are entitled to take any toll, stallage, or rent in any market or fair, he shall be liable to a penalty not exceeding forty shillings; but nothing in this section shall extend to a licensed hawker, or to any person selling or exposing or carrying about for sale the produce of his own industry (proof whereof shall lie on the person accused), or to any person licensed by the Corporation under this Act.

Sale of
cattle out of
market.

200. Every person who within the borough, except in the cattle market, sells or offers or exhibits for sale, or permits to be sold, or

to be offered or exhibited for sale, any cattle other than cattle which are the bonâ fide property of such person, and have been in his possession within the borough for the space of seven days prior to such sale, offer, or exhibition, shall be liable to a penalty not exceeding five pounds; but nothing in this section shall prevent any person from at any time selling or offering or exhibiting for sale in his own house, yard, or land any cattle being his bonâ fide property.

A.D. 1869.

201. The Corporation may cause the inspectors and collectors of markets and fairs, and all persons appointed to assist them, permanently or otherwise, to be sworn before a justice as constables, and the men so sworn shall have all such powers, authorities, and privileges, and shall perform and be liable to all such duties and responsibilities, as constables appointed under the Municipal Corporation Acts.

Market inspectors, &c. may be made constables.

202. The several tolls in the markets and fairs payable with respect to the occupation of any shop, stall, bench, compartment, or space of ground shall be paid not only by the original taker or occupier thereof for a part of a day or other time, but also by any subsequent taker or occupier thereof for any other part of the same day or other time.

Tolls to be payable by successive occupiers of shops, &c.

203. The several tolls in the markets and fairs payable with respect to any article shall be paid not only by the original seller, but also by any subsequent seller or person who offers such article for sale, and such tolls shall become payable before such article is sold or offered for sale.

Tolls to be payable by successive sellers of articles.

204. The tolls in respect of cattle brought to the market for sale shall become due as soon as the cattle in respect whereof they are demandable are brought into the market place, and before the cattle are put into any pen or tied up in such market place; and if the cattle be not removed within one hour after the close of the market, another toll shall become due in respect of the cattle so omitted to be removed.

Tolls in respect of cattle market when due.

205. The Corporation may from time to time let to any person any stall, standing, or other convenience in any market or fair for any time not exceeding three years, at such rent and on such terms as they think reasonable.

Power to let stalls, &c.

206. The Corporation may from time to time demise for any term not exceeding seven years the whole or any part of the tolls, stallages, and rents receivable in respect of the markets and fairs, weighing houses or places, and slaughter-houses, or any of them.

Power to let tolls of markets, &c.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.

Penalty for
taking ex-
cessive toll.

Recovery of
tolls.

207. If any person demands or receives a toll, stallage, or rent higher than that authorized he shall be liable to a penalty not exceeding forty shillings.

208. If any person liable to the payment of any toll, stallage, or rent payable to the Corporation does not pay the same when demanded, the Corporation or their lessee, or any person authorized by the Corporation or their lessee to collect the same, may seize and detain the article in respect of which the same is payable, or any other article in the market belonging to the person liable to pay the same or under his charge; and if the toll, stallage, or rent, and the reasonable charges of the seizure and detention, and of the keeping and maintaining of the article seized, is not paid, in case of perishable articles seized forthwith, and in case of other articles seized within four days from the time of seizure, the Corporation or their lessee may forthwith, or on the expiration of those four days (as the case may be), sell the article seized, and out of the money arising thereby may pay and retain the toll, stallage, or rent, and the charges aforesaid, and those of the sale, returning the overplus (if any) to the owner of the article seized; or such toll, stallage, or rent may be recovered in any court of competent jurisdiction.

Settlement
of disputes
as to tolls.

209. If any dispute arises concerning any toll, stallage, or rent, or the charges of keeping or selling any distress, such dispute shall be determined by a justice, who, on application made to him, shall determine the same, and make such order therein, and award such costs to either party, as he thinks proper; and in default of payment on demand of the money so awarded, and of the costs, the same shall be levied by distress.

Articles to
be weighed
if requested
by buyer.

210. Every person selling or exposing or offering for sale, by weight or measure, any article in any market or fair shall, if required so to do by the buyer, cause the same to be weighed or measured at one of the weighing houses or places of the Corporation, and if any person refuses on demand to comply with such requisition he shall be liable to a penalty not exceeding forty shillings.

Penalty for
refusal to
weigh, &c.

211. If any person appointed by the Corporation to weigh or measure any articles sold in any market or fair refuses or neglects to weigh or measure any article when required, he shall be liable to a penalty not exceeding forty shillings.

Carts to be
weighed at
one of the
machines
erected by
the Corpora-
tion.

212. The driver of any cart laden with any article brought within the borough for sale or delivery therein shall, at the request of the buyer of such article or his agent, or of the seller thereof or his agent, take such cart, with or without the loading thereof, to the nearest weighing machine for carts provided by the Corporation, and

shall permit the same to be weighed, and if such cart is weighed with its load the driver shall, if required, take it, after its load has been discharged, to the weighing machine for carts provided by the Corporation nearest to the place of discharge, and permit it to be re-weighed without its load; and if any driver is for the purposes aforesaid required to take a cart a greater distance than half a mile, including the going to and returning from such machine respectively, the owner of the cart shall be paid for every horse used in drawing it twopence for the first half mile, and a like sum for every additional half mile, and such payment shall be made by the person requiring the cart to be weighed before the driver shall be obliged to take it to be weighed.

A.D. 1869.

213. If the driver of any such cart, on being requested and having such payment made or tendered as aforesaid, does not take the cart to be weighed as herein-before directed, or refuses to assist in the weighing thereof, he shall for each offence be liable to a penalty not exceeding twenty shillings.

Penalty on drivers for refusing to take carts to be weighed, &c.

214. If any driver of any cart weighed at any weighing machine provided by the Corporation under this Act commits any of the following offences he shall be liable to a penalty not exceeding five pounds; (that is to say,)

Penalties on drivers committing frauds in weighing.

If he at the time of the weighing knowingly has anything in or about the cart other than the proper loading thereof:

If he alters any ticket denoting the weight of the cart or its loading:

If he makes or uses or is privy to the making or using of any ticket falsely stating the weight of the cart or of its loading:

If he, after the weighing of the cart with its loading, removes any part of the loading, and afterwards disposes of or attempts to dispose of or represents the residue of such loading as being the full loading denoted by any such ticket:

If he, between the time when the cart and the loading thereof have been so weighed and the time when the cart is weighed without its loading, changes the wheels of the cart, or makes any other change upon it after being required to allow it to be weighed without its loading:

If he is guilty of any other fraudulent contrivance to misrepresent the weight of any such cart or of the loading thereof.

215. If the buyer or seller of any goods in any cart required to be weighed as aforesaid does anything to such cart or its loading, whereby the true weight thereof respectively is altered before such weighing, he shall be liable to a penalty not exceeding five pounds.

Penalty on buyers or sellers for committing frauds in weighing.

A.D. 1869.

Penalties for
frauds com-
mitted by
the machine
keeper.

216. The person for the time being appointed to keep any weighing machine for carts provided under this Act shall be liable to a penalty not exceeding five pounds in each of the following cases; (that is to say,)

If he wilfully neglects, on application, duly to weigh any cart, with or without its loading, as the case may be, that is brought to the machine kept by him to be weighed:

If he does not fairly weigh every such cart, with or without loading, as the case may be:

If he does not deliver to the buyer or seller of any such loading, or to any person interested therein, on application, a ticket or account specifying the true weight of such cart, with or without such loading, as may be required:

If he gives to any person a false ticket or account of the weight of such cart, with or without the loading thereof:

If he commits any fraud concerning the weighing of any cart or the loading thereof, or makes any false representation of the weight of the same respectively.

Penalty on
other parties
committing
frauds as to
weighing.

217. If any person commits any fraud respecting the weighing or weight of any cart, or the loading thereof, he shall be liable to a penalty not exceeding five pounds.

Prohibition
of sale
except by
weight or
number.

218. It shall not be lawful for any person to sell any article (except liquids) in any market or fair of the borough otherwise than by weight (by the pound of sixteen ounces, or some aliquot part thereof) or by number, and if any person acts in any respect in contravention of this section he shall for every such offence be liable to a penalty not exceeding one pound; and if any person is found using, for any purpose in contravention of this section, any measure, the superintendent of the market, or other authorized officer of the Corporation, or any peace officer, may seize and detain the same, and on conviction of the offender the same shall be forfeited to the Corporation.

Seizure of
false weights,
&c.

219. If any person is found using any false scales, weight, or measure, the superintendent of the market, or other authorized officer of the Corporation, or any peace officer, may seize and detain the same, and on conviction of the offender the same shall be forfeited to the Corporation.

Forfeiture of
articles left
in market.

220. Every article brought into any market or fair and left therein after the hour of closing (except such as are left in charge of the superintendent of the market or fair) may be taken possession of by the superintendent, and if the same being of a perishable nature are not claimed within one hour after the closing, or not

being of a perishable nature are not claimed within one month thereafter, then and in every such case the same may be sold by the Corporation, who shall return the surplus proceeds of such sale, after deducting any unpaid stallage, rent, or toll due in respect thereof, and the expenses of detention and sale, to the owner, on demand, if such demand is made within one month after the sale, but if demand is not so made the proceeds of the sale shall be forfeited to the Corporation.

A.D. 1869.

221. Every person who in any market or fair commits any of the following offences shall for every such offence be liable to a penalty not exceeding two pounds, and the superintendent of the market, or other officer authorized by the Corporation, or any peace officer, may remove from the market and take into custody without warrant any person who within his hearing or view (as the case may be) commits any such offence, and every person so taken into custody shall be forthwith conveyed before a justice; (that is to say,)

Offences in market.

Every person who makes use of any expression of cursing or swearing, or of any threatening, abusive, violent, offensive, obscene, or disgusting language :

Every person who is drunk and disorderly :

Every person who wilfully creates any obstruction :

Every person who loiters on any stall or bench, or on or near the fountain, or in any other part of the Market Hall, vaults, or buildings :

Every person who fights, quarrels, or makes any affray or disturbance :

Every person who commits or creates any nuisance :

Every person who wilfully damages or makes any mark on any wall with chalk, paint, or otherwise, or posts any bill or paper thereon :

Every person who wilfully breaks any window or light, or does any other damage to the property of the Corporation.

222. If any person wantonly or cruelly tortures, beats, ill-treats, or abuses any animal in any market place, slaughter-house, or fair ground, any officer of the market or fair, 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.

Apprehension of persons treating animals cruelly.

223. With respect to the licensing of slaughter-houses the following provision shall take effect; (namely,)

Power to license slaughter-houses.

(1.) The Corporation may from time to time grant licences for the use of buildings as slaughter-houses, and they may demand a sum not exceeding five shillings for any such licence for twelve months, and in the like proportion for any shorter period :

A.D. 1869.

- (2.) They may, by order, revoke or suspend the licence for any slaughter-house 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 :
- (4.) He shall not be obliged to discontinue the use of the slaughter-house pending the appeal :
- (5.) If any person slaughters or dresses for sale any animal in any slaughter-house the licence for which is suspended or revoked he shall be liable to a penalty not exceeding five pounds :
- (6.) If any licensed slaughter-house is not used as such for the space of three months the licence thereof shall be deemed to have lapsed :
- (7.) The Corporation may from time to time make byelaws for the inspection of licensed slaughter-houses, and the prevention of cruelty therein, and for the cleansing thereof, and for the supplying thereof with water.

Slaughtering prohibited except in slaughter-houses provided or licensed by Corporation.

224. It shall not be lawful for any person 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; and if any person acts in any respect in contravention of the present enactment he shall be liable to a penalty not exceeding five pounds.

Lease of market tolls to cease.

225. The indenture of lease bearing date the fifth day of August one thousand eight hundred and sixty-eight, between the Corporation and Henry Caswell, of the market tolls; shall on the twenty-fourth day of July one thousand eight hundred and sixty-nine cease and determine, and the Corporation shall thereupon pay to the said Henry Caswell, his executors, administrators, or assigns, the sum of two hundred and ninety-five pounds, by way of ascertained compensation.

X.—PUBLIC BATHS AND WASH-HOUSES, &c.

Power to provide baths, &c.

226. The Corporation may (if they think fit) from time to time purchase by agreement or take a lease of any baths and wash-houses before or after the commencement of this Act established otherwise than by the Corporation, and appropriate the same to the purposes of public baths and wash-houses, with such additions or alterations as they deem expedient, and may from time to time enlarge the same, and may from time to time erect or otherwise

provide and may maintain buildings suitable for public baths and wash-houses, or either of them, with or without open drying grounds, and convert any buildings into such baths or wash-houses, and make any open bathing places, and alter, enlarge, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite fittings, furniture, and conveniences; and the trustees of any baths and wash-houses established or provided by private subscriptions or otherwise may, with the consent of the majority of the committee or other persons by whom they were appointed trustees, sell or lease the same to the Corporation, or make over to them the management thereof, on such terms as may be agreed on. A.D. 1869.

227. The Corporation may from time to time, with respect to public baths, wash-houses, and bathing places provided by them or under their management, make byelaws for all or any of the following purposes; namely, Power to make bye-laws for regulation of baths, &c.

For securing that the baths and wash-houses and bathing places be under the due control of the officers and servants of the Corporation, and for determining their duties:

For securing adequate privacy to persons using the baths, wash-houses, and bathing places, and providing security against accidents to persons using the bathing places:

For securing that men and boys above eight years old bathe separately from women and girls and children eight years old or under:

For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour, and nuisances:

For determining the charges for the use of the baths, wash-houses, and bathing places.

228. The officers and servants of the Corporation may detain clothes brought to be washed or other goods of any person refusing to pay any charge to which such person is liable for the use of the wash-houses of the Corporation till full payment thereof is made, and in case such payment is not made within seven days after the same becomes due may sell such clothes or goods, or any of them, returning the surplus proceeds of such sale (after deducting the unpaid charge and the expenses of detention and sale), and any unsold articles, on demand, to the owner or the person by whom the same were brought to be washed. Recovery of charges at wash-houses.

229. Whenever any baths or wash-houses or bathing places established by the Corporation, having been carried on for one year or upwards, are determined by the Council to be unnecessary Power to discontinue baths, &c.,

A.D. 1869.
and sell
buildings,
&c.

or too expensive to be kept up, the Corporation may discontinue the same or any part thereof, and sell or dispose of the same or any part thereof.

XI.—POLICE.

Power to
continue
police court,
&c.

230. The Corporation may continue and maintain the police court, and all offices and stations, and may from time to time enlarge the same, and provide and maintain additional courts, stations, and watch-houses, lock-up houses, and other places necessary for police purposes, and furnish and fit up the same.

Constables
not to resign
without
leave or
notice.

231. A constable shall not be at liberty to resign his office, or to withdraw himself from the duties thereof, unless expressly allowed to do so in writing by the watch committee, certified under the hand of the chief constable, or unless he gives to the chief constable one month's previous notice in writing of his intention; and if any constable so resigns or withdraws himself without such leave or notice he shall be liable to forfeit all arrears of pay then due to him, or to pay a penalty not exceeding five pounds, or, in the discretion of the justice before whom he is convicted, to be imprisoned for any term not exceeding fourteen days.

Penalty on
constable
for neglect
of duty.

232. If any constable is guilty of any neglect or violation of duty in his office he shall be liable to a penalty not exceeding ten pounds, or, in the discretion of the justice before whom he is convicted, to be imprisoned for any term not exceeding one month, with or without hard labour.

Power to
chief con-
stable to
suspend
constables.

233. The chief constable may, subject to the approval of the watch committee, suspend any constable from the exercise of his office, for such time as the chief constable thinks fit, for breach of discipline, or neglect or violation of duty, or grave misconduct, and if any constable while suspended by the chief constable exercises in any manner the office of constable he shall be liable to a penalty not exceeding five pounds.

Constables
suspended
or dismissed
to deliver up
accoutre-
ments.

234. If any constable is suspended by the chief constable, and does not, if required, deliver over to the chief constable all or any part of the clothing, accoutrements, or appointments supplied to him for the execution of his duty, or if any constable is dismissed from or ceases to hold and exercise his office, and does not forthwith deliver over all the clothing, accoutrements, appointments, and other necessaries supplied to him for the execution of his duty to the chief constable, or to the person and at the time and place

[32 & 33 VICT.] *The Wolverhampton Improvement* [Ch. cxxxi.]
Act, 1869.

directed by the watch committee, he shall be liable to imprisonment, with or without hard labour, for any term not exceeding one month; and any justice may issue his warrant to search for and seize, to the use of the Corporation, all clothing, accoutrements, appointments, and other necessaries not so delivered over, wherever found.

A.D. 1869.

235. Where any penalty is recovered under this Act against any constable, or any person who had held the office of constable, in respect of any act or omission of such person while holding such office, the amount of the penalty may be deducted from any salary due or to become due to him as constable.

Power to deduct penalties on constables from salaries.

236. If any person, not being a constable of the borough, has in his possession any article being part of the clothing, accoutrements, appointments, or necessaries supplied to any such constable, and does not satisfactorily account for his possession thereof, or puts on the dress, or takes the name or designation, or otherwise assumes the character of a person appointed as such constable for the purpose of thereby obtaining admission into any house or other place, or of doing or causing to be done any act which he would not be entitled to do or procure to be done of his own authority, or for any other unlawful purpose, he shall, in addition to any other punishment to which he is liable for such an offence, be liable to a penalty not exceeding ten pounds.

Penalty for unlawful possession of accoutrements, assumption of character of constable, &c.

237. Any person found committing any offence punishable either upon indictment or as a misdemeanor, upon summary conviction under this Act, may by virtue of this Act be taken into custody without a warrant by any constable, or may be apprehended by the owner of any property on or with respect to which the offence is committed, or by his servant or any person authorized by him, and may be detained until he can be delivered into the custody of a constable, and shall be taken as soon as conveniently may be before a justice to be examined and dealt with according to law.

Power to police constables and persons aggrieved to apprehend certain offenders.

238. It shall not be lawful for any constable or other officer, without the order of a justice, to detain in custody any person arrested under the powers of this Act longer than is necessary for bringing him before a justice, or longer than forty-eight hours at the utmost.

Limitation of detention.

239. Whenever any person charged with any offence under this Act (not amounting to felony) of which he is liable to be summarily convicted before a justice is in the custody of any constable without the warrant of a justice, the chief constable may, if he deems it prudent, in any case where the offender cannot be conveniently

Power for chief constable to take recognizances.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. taken before a justice, take his recognizance, with or without sureties, conditioned as in this Act provided.

Form of recognizances.

240. Every recognizance so taken shall be taken without fee or reward, and shall be conditioned for the appearance of the person thereby bound before a justice at a certain day not later than seven days from the date of the recognizance, and the time and place of such appearance shall be specified in the recognizance.

Recognizances to be registered and returned to the justice.

241. The chief constable on taking any such recognizance shall enter in a book to be kept for that purpose the name, residence, and occupation of the party, and his sureties (if any), entering into it the condition thereof and the sum thereby acknowledged, and shall return every such recognizance to the justice at the time and place when and where the party is bound to appear, and every such recognizance shall have the like force and effect as if it had been taken before a justice.

Penalties on persons assaulting constables.

242. If any person assaults, obstructs, or resists, or aids or incites any person to assault, obstruct, or resist, any constable in the execution of his duty, he shall be liable to a penalty not exceeding ten pounds, or, in the discretion of the justice before whom he is convicted, to be imprisoned for any term not exceeding three months, with or without hard labour.

Penalty for riotous or indecent behaviour in police office, &c.

243. If any person is guilty of any violent, disorderly, or indecent behaviour in any police office or police station he shall be liable to a penalty not exceeding forty shillings, or, in the discretion of the justice before whom he is convicted, to be imprisoned for any term not exceeding seven days.

XII.—POLICE REGULATIONS, &c.

Penalty on persons committing any of offences enumerated.

244. Every person who in a street or court, or elsewhere than in a street or court in the cases in that behalf in this section specified, commits any of the following offences shall be liable to a penalty not exceeding forty shillings, or, in the discretion of the justice before whom he is convicted, to imprisonment for any term not exceeding fourteen days; (that is to say,)

Every person who, to the obstruction, annoyance, or danger of any resident or passenger in a street or court, exposes for show, hire, or sale (except in a market or market place or fair lawfully appointed for that purpose) a horse or other animal, or exhibits in a caravan or otherwise a show or public entertainment, or shoes, bleeds, or farries a horse or animal (except in

cases of accident), or cleans, dresses, exercises, trains or breaks, or turns loose a horse or animal, or makes or repairs any part of a cart or carriage (except in cases of accident where repair on the spot is necessary) :

Every person who suffers to be at large an unmuzzled ferocious dog, or sets on or urges a dog or other animal to attack, worry, or put in fear any person or animal :

Every owner of a dog who suffers such dog to go at large, knowing or having reasonable ground for believing it to be in a rabid state, or to have been bitten by a dog or other animal in a rabid state :

Every person who, after public notice given by the mayor directing dogs to be confined on account of suspicion of canine madness, suffers any dog to be at large during the time specified in such notice :

Every person who slaughters cattle or dresses cattle or any part thereof, except in the case of cattle overdriven or having met with an accident, which for the public safety or other reasonable cause ought to be killed on the spot :

Every person who, occupying a blacksmith's, whitesmith's, or nailmaker's shop having a door or window or other opening fronting or opening into or towards a street, does not by good and close doors or shutters every evening, not later than half an hour after sunset, prevent the light from such shop shining into any street :

Every person who, to the obstruction, annoyance, or danger of any resident or passenger in any street or court, keeps any gaslight or other light flaring or unprotected extending to or over any street :

Every person who discharges smoke or steam from a building (otherwise than from the top thereof) into a street, or who constructs or uses a steam pipe, flue, or funnel (not being the funnel of a locomotive engine) so that the condensed water or moisture must usually fall into a street :

Every person having the care of a cart or carriage who rides on the shafts thereof, or who, without having sufficient reins and holding the same, rides upon such cart or carriage, or on an animal drawing the same, or who is at such a distance from such cart or carriage as not to have due control over every animal drawing the same, or who is asleep while such cart or carriage is in motion, or who does not in meeting another cart or carriage keep his cart or carriage to the left or near side of the road, or who in passing another cart or carriage from behind

A.D. 1869.

does not keep his cart or carriage on the right or off side of the road (except in cases of actual necessity or some sufficient reason for deviation), or who by obstructing the street wilfully prevents any person, cart, or carriage from passing him or any cart or carriage under his care :

Every person who at one time drives more than two carts, and every person who at one time drives two carts either whereof is drawn by more than one animal, and every person who at one time drives two carts and has not the last cart securely fastened to the back of the first cart by a chain or rope not more than five feet long from each shaft of the last cart :

Every person who rides or drives furiously an animal, cart, or carriage :

Every person who causes a carriage, or a sledge, truck, or barrow, with or without horses, or a beast of burden, to stand in a street longer than is necessary for loading or unloading goods or luggage, or for taking up or setting down passengers (except hackney carriages and horses, and other beasts of draught or burden, standing for hire in a place appointed for that purpose by the Corporation or other lawful authority) ; and every person who by means of a cart, carriage, sledge, truck, or barrow, or an animal or other means, wilfully interrupts a public crossing, or wilfully causes an obstruction in a street or public footpath or other public thoroughfare :

Every person who causes any tree or timber, or iron beam or stone, to be drawn in or upon a carriage without having or supplying sufficient means of safely guiding the same, and causing the same to be safely guided :

Every person who leads or rides an animal, or draws or drives a cart, carriage, sledge, truck, or barrow, on a footway of a street, or fastens an animal so that it stands or can stand across or on such a footway :

Every person who places or leaves any furniture, goods, produce, wares, or merchandise, or any cask, tub, basket, pail, or bucket, or places or uses any standing place, stool, bench, stall, or show-board, on any such footway or so as to project thereover, or who places any blind, shade, covering, awning, or other projection over or along any such footway, unless such blind, shade, covering, awning, or other projection is eight feet in height at least in every part thereof from the ground, and is constructed in every respect to the satisfaction of the surveyor :

Every person who places, hangs up, or otherwise exposes to sale any furniture, goods, produce, wares, merchandise, matter, or

thing whatsoever so that the same projects or project into or over any such footway, or beyond the line of any house, shop, or building at which the same is or are exposed, or who stands or places any person outside any shop, building, or ground at or on which the same is or are exposed, in order to offer the same for sale, or to invite purchasers for the same, so as in any such case to obstruct or incommode the passage of any person over or along such footway :

Every person who rolls, drags, or carries a cask, tub, hoop, wheel, ladder, plank, pole, timber, or log of wood, or any stone or metal, on any such footway, except for the purpose of loading or unloading a cart or carriage, or of crossing such footway :

Every person who places a line, cord, or pole across a street, or hangs or places any clothes thereon :

Every person drunk in a street or other open or public place, either incapable of taking proper care of himself, or guilty of riotous, disorderly, or indecent behaviour :

Every common prostitute or nightwalker loitering or importuning passengers for the purpose of prostitution :

Every person who wilfully and indecently exposes his person :

Every person who, by himself or his agent, publicly offers for sale or distribution, or exhibits to public view, any profane, indecent, or obscene book, handbill, card, paper, document, print, drawing, photograph, painting, or representation, or any book, handbill, card, paper, or document referring to any disease of a loathsome or secret kind, or who publicly sings any profane or obscene song or ballad, or uses any profane or obscene language :

Every person who writes or draws any profane, indecent, obscene, or offensive word, character, figure, or representation on any building, wall, fence, hoarding, or other erection anywhere in the borough :

Every person who, by himself or his agent, without the consent of the owner or occupier of a building, wall, fence, hoarding, or other erection anywhere in the borough, affixes thereto any posting bill or other paper, or by any writing or drawing, or otherwise, marks or disfigures the same, or, with or without such consent, affixes thereto any bill, paper, document, print, drawing, photograph, painting, or representation of an indecent or obscene character, or referring to any disease of a loathsome or secret kind :

Every person who wantonly discharges a fire-arm, or throws or discharges any stone, snowball, or other missile, or makes a bonfire, or throws or sets fire to fireworks :

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.

- Every person who wilfully and wantonly disturbs any inhabitant by pulling or ringing any door bell or other bell, or knocking at any door or gate, or who wilfully and unlawfully extinguishes the light of any lamp :
- Every person who flies any kite, or who makes or uses any slide upon ice or snow :
- Every person who cleanses, hoops, fires, washes, or scalds any cask or tub, or hews, saws, bores, or cuts any timber or stone, or slakes, sifts, or screens any lime :
- Every person who throws or lays down any stones, coals, slate, shells, lime, bricks, timber, iron, or other materials (except building materials so enclosed as to prevent mischief to passengers) :
- Every person who beats or shakes a carpet, rug, or mat (except door mats beaten or shaken before the hour of eight in the morning) :
- Every person who fixes or places any flower pot or box or other heavy article in an upper window without sufficiently guarding the same against being blown or thrown down :
- Every person who throws from the roof or any part of a house or other building any slate, brick, wood, rubbish, or other thing, except snow thrown so as not to fall on any passenger :
- Every person who throws down goods, produce, wares, or merchandise out of an upper story of a warehouse, or of any other building used for any trade, manufacture, or business, and every person being the occupier of any warehouse or other such building out of which goods, produce, wares, or merchandise are or is so thrown down, but so that one penalty only be recoverable for the same offence :
- Every occupier of a house or other building, or other person, who orders or permits any person in his service to stand on the sill of a window in order to clean, paint, or perform any other operation on the outside of such window, or on any house or other building, unless such window is in the sunk or basement story :
- Every person who leaves open a vault or cellar, or the entrance from a street to a cellar or room underground, without a sufficient fence or handrail, or leaves defective the door, window, or other covering of a vault or cellar, or who does not sufficiently fence any area, pit, or sewer left open, or who leaves such open area, pit, or sewer without a sufficient light after sunset to warn and prevent persons from falling thereinto :
- Every person who throws or lays or causes to be thrown or laid any offensive matter or thing on a street, or causes any offensive

matter or thing to run from a manufactory, brewery, slaughterhouse, butcher's shop, or dunghill into a street (but so that it shall not be deemed an offence for any person to lay or cause to be laid sand or other materials in a street in time of frost to prevent accidents, or litter or other suitable materials to prevent the freezing of water in pipes, or, in case of sickness, to prevent noise, if the person laying or causing to be laid any such thing causes it to be removed as soon as the occasion for it ceases) :

A.D. 1869.

Every person who keeps a pigsty near a street or court, and every person who so keeps swine anywhere in the borough as to be a nuisance.

245. The business of a blood boiler, bone boiler, fellmonger, slaughterer of cattle, horses, or animals of any description, soap boiler, tallow melter, tripe boiler, or other noxious or offensive business, trade, or manufacture, shall not be newly established in any building or place in the borough without the consent of the Corporation; and if any person offends against this section he shall be liable to a penalty of fifty pounds, and a further penalty of forty shillings for each day during which the offence is continued, and the Corporation may from time to time make such byelaws with respect to any such businesses so newly established as they think fit, in order to prevent or diminish the noxious or injurious effects thereof.

Offensive
trades newly
established.

246. Any constable or other officer appointed by the Corporation may destroy any dog or other animal within the borough reasonably suspected to be in a rabid state, or to have been bitten by any dog or other animal reasonably suspected to have been in a rabid state.

Mad dogs.

247. Every person who at any time makes use of any dog to draw any cart or other vehicle, or to carry any burden within the borough, and every owner of a dog who knowingly permits it to be used for such purposes, shall respectively for every such offence be liable to a penalty not exceeding forty shillings.

Penalty for
using dogs
to draw
carts.

248. If any animal comprised under the definition of cattle in this Act infected with or labouring under any infectious or contagious disease is exposed or offered for sale, or is brought or attempted to be brought through any street, any inspector, collector, or constable may seize such animal, and cause the same to be inspected by two veterinary surgeons or other competent persons, and shall report such seizure to a justice; and such justice may, after hearing the evidence, either order such animal to be restored, or order the same, and also any pens, hurdles, crofts, litter, hay, straw, or other articles which he may judge likely to have been infected thereby, to be forthwith destroyed or otherwise disposed of: Provided always, that nothing in this section shall authorize a justice

Power to
seize and
destroy
diseased
cattle.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. to make any such order in relation to any trucks or waggons used for the conveyance of cattle on any railway, or to pens for animals on lands belonging to a railway company, but he may require any such trucks, waggons, or pens as last aforesaid to be cleansed in such a manner as may be considered by him reasonably sufficient to prevent the spread of any such infectious or contagious disease.

Prohibition
as to dis-
eased cattle.

249. If any person exposes or offers for sale, or brings or attempts to bring through any street, any animal comprised under the definition of cattle in this Act infected with or labouring under any infectious or contagious disease, knowing the same to be infected with or labouring under any such disease, he shall be liable to a penalty not exceeding twenty pounds.

Power to
medical
officer of
health or
inspector of
nuisances to
inspect any
animal, &c.

250. The medical officer of health or inspector of nuisances may at all reasonable times inspect and examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour exposed for sale, or deposited in any place for the purpose of sale or of preparation for sale, and intended for the food of man, the proof that the same was not exposed or deposited for such purpose, or was not intended for the food of man, resting with the party charged; and in case any such animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour appears to him to be diseased or unsound or unwholesome, or unfit for the food of man, he may seize, take, and carry away the same, or direct the same to be seized, taken, and carried away by any officer, servant, or assistant, in order to have the same dealt with by a justice; and if it appears to the justice that any such animal or article is diseased or unsound or unwholesome, or unfit for the food of man, he may order the same to be destroyed, or so disposed of as to prevent such animal or article from being exposed for sale, or used for such food, and the person to whom such animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour belongs or did belong at the time of sale or of exposure for sale, or in whose possession or on whose premises the same is found, shall be liable to a penalty not exceeding twenty pounds for every animal, carcase, or fish, or piece of meat, flesh, or fish, or any poultry or game, or for the parcel of fruit, vegetables, corn, bread, or flour so found, or, at the discretion of the justice, to imprisonment for any term not exceeding three months.

Power to
maintain
pounds.

251. The Corporation may maintain their existing pounds, and from time to time erect and provide such other pounds for impounding cattle as they think proper, and maintain the same.

Power to
impound
cattle
suffered to
stray.

252. If any cattle are found straying in any street the owner thereof shall for each animal be liable to a penalty not exceeding

A.D. 1869.

five shillings, and any officer or person appointed by the Corporation may impound such animal in any pound, and may detain the same there until the penalty and such charges as the Corporation appoint for impounding, feeding, and keeping the same in pound, together with the amount of any damage caused by such animal, to be fixed by the Corporation, are paid; and if the same are not paid within three days after the animal is impounded the Corporation may cause the animal to be sold, after having given seven days notice of the intended sale by advertisement in some newspaper circulating in the borough, or by notice served on the owner, if known, and the charges aforesaid, and those of the sale and notice, and the said penalty and damages, shall be defrayed by such sale, and the surplus (if any) shall be paid to the owner of the animal upon demand.

253. If any person releases or attempts to release any cattle from any pound where the same are impounded under the authority of this Act, or damages or destroys any such pound, or any part thereof, with intent to procure the unlawful release of such cattle, he shall be liable to a penalty not exceeding forty shillings, or, in the discretion of the justice before whom he is convicted, to imprisonment, with or without hard labour, for any term not exceeding three months.

Penalty for pound breach.

254. If any person injures or defaces any church, chapel, or other public building, or any tomb, monumental stone, or inscription in any churchyard or burial ground, or fixes up any bill or paper, other than such as may be lawfully affixed thereto, against any such building, or writes with chalk or any other matter thereon, he shall be liable to a penalty not exceeding five pounds.

Penalty for injury to churches.

255. Any householder personally, or by his servant, or by any constable, may require any street musician or singer to depart from the neighbourhood of the house of such householder; and every person who sounds or plays upon any musical instrument or sings in any street near or within hearing of such house after being so required to depart shall be liable to a penalty not exceeding forty shillings.

Street musicians to depart when desired to do so.

256. The mayor may from time to time make regulations for the route to be observed by all carts, carriages, horses, and persons, and for preventing obstruction of the streets in times of holidays, public processions, public meeting, public rejoicings, or illuminations, and in cases when the streets are thronged or liable to be obstructed, and give directions to the constables for keeping order, and for preventing any obstruction of the streets in the immediate neigh-

Regulation for preventing obstruction in streets during public processions, &c.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 Vict.]
Act, 1869.

A.D. 1869. — bourhood of the Town Hall, the police court, the theatres, and other places of public resort; and if any person is guilty of any breach of such regulations, or does not comply with the direction of any constable acting in pursuance thereof, he shall be liable to a penalty not exceeding five pounds.

Power to regulate route of carriages, &c. during Divine service.

257. On the application of any minister, churchwarden, trustee, or officer of any church, chapel, or other place of public worship, the mayor may from time to time make orders for prescribing the route and conduct of persons driving any cart, carriage, or cattle during the hours of Divine service on Sunday, Christmas Day, Good Friday, or any day appointed for public fast, humiliation, or thanksgiving, and any such order shall be printed or painted, and fixed on some conspicuous place near such church, chapel, or other place of public worship; and if any person fails to comply in any respect with any such order he shall be liable to a penalty not exceeding forty shillings.

Waste land to be fenced.

258. If the owner or occupier of any vacant or waste land which is in a state to cause danger or a nuisance to the public allows the same to remain unfenced, or the fences thereof to remain out of repair, after the expiration of five days notice from the surveyor, the Corporation may cause the same to be fenced, or may cause the fences to be repaired, and the expenses thereby incurred shall be recoverable from such owner or occupier as damages.

Dangerous places to be repaired or enclosed.

259. With respect to the repairing or enclosing of dangerous places the following provisions shall take effect; namely,

(1.) If any building, wall, structure, or other thing, or any well, coalpit shaft, used or disused, excavation, or reservoir, pond, or dam of water, or any land or place, is in the opinion of the Corporation, for want of sufficient repair, protection, or enclosure, dangerous to the occupiers thereof, or of the neighbouring buildings or lands, or to the passengers along any street or footpath, the Corporation may order the owner within the period in the order prescribed to repair, protect, or enclose the same so as to prevent any danger therefrom:

(2.) If after service of the order on the owner the directions of the order are not complied with within the prescribed period, the owner shall be liable to a penalty not exceeding twenty pounds, and in that case, and also if the owner is not known or cannot after due inquiry be found, the Corporation may cause such works as they think proper to be done for effecting such repair, protection, or enclosure, and the expenses thereof shall be payable by the owner:

A.D. 1869.

- (3.) If such owner can be found within the borough, and if, on demand of the expenses aforesaid, he neglects or refuses to pay the same, then such expenses may be levied by distress, and any justice may issue his warrant accordingly:
- (4.) If such owner cannot be found within the borough, or sufficient distress of his goods and chattels within the borough cannot be made, the Corporation, after giving twenty-eight days notice of their intentions to do so by posting a notice in a conspicuous place on or near such building, thing, or place, may take possession of the same, provided such expenses are not paid or tendered to them within the said twenty-eight days, making compensation to the owner of such building, thing, or place, but deducting out of such compensation the amount of the expenses aforesaid, and may thereupon sell or otherwise dispose of such building, thing, or place:
- (5.) If any such building, wall, structure, or other thing, or any part thereof, is pulled down by virtue of the present section, the Corporation may sell the materials thereof, or of so much of the same as is pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such building or other thing, and the Corporation shall restore any overplus arising from sale to the owner on demand:
- (6.) Nevertheless the Corporation, although they sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as are herein-before given to them for compelling the payment of the whole of the said expenses.

XIII.—PUBLIC-HOUSES, &c.

260. If any person not being a licensed victualler, or person licensed to sell beer by retail to be drunk on the premises, or licensed to keep a refreshment house under the Act of the session of the twenty-third and twenty-fourth years of Her Majesty, chapter twenty-seven, has or keeps any house, shop, room, cellar, or vault, or place of public resort, wherein ready-made tea or coffee, cooked victuals, provisions, liquors, or refreshments of any kind is or are sold or consumed, whether the same is or are kept or retailed

Regulations
respecting
coffee shops,
&c.

A.D. 1869. — therein or procured elsewhere, and permits drunkenness or other disorderly conduct, or suffers any unlawful game or any gaming therein, or permits prostitutes, reputed thieves, drunken or idle and disorderly persons, or persons of notoriously bad character, to meet together and remain there, he shall be liable to a penalty not exceeding five pounds; and any constable may at any time enter into any such house, shop, room, cellar, vault, or place, the owner or keeper whereof has been within twelve months before such entry convicted of any such offence as aforesaid; and if any such owner or keeper, or any person in his employment, in such case refuses to allow, or does not on application allow, such constable so to enter, every person so offending shall be liable to a penalty not exceeding forty shillings.

Keepers of
cookshops,
&c. making
internal
communica-
tions with
public-house.

261. If any person makes or uses or allows to be made or used any internal communication between any house, shop, room, or place of public resort licensed for the sale of wine, spirits, beer, or other exciseable articles, and any house, shop, room, or place not so licensed, he shall be liable to a penalty not exceeding ten pounds for every day that such communication is open.

Places for
dancing,
music, and
other public
entertain-
ments.

262. For the regulation of places for public dancing or music, or other public entertainment of the like kind, the following provisions shall take effect; namely,

- (1.) A house, room, or other place licensed for the sale of wine, spirits, beer, or other fermented or distilled liquors, or a room, garden, or place, shall not be kept or used for public dancing, music, or other public entertainment of the like kind without a licence for all or some of those purposes first obtained from the justices acting for the borough:
- (2.) Such justices may, under the hands of a majority of them assembled at any special session convened by fourteen days previous notice, grant licences to such persons as they think fit to keep or use houses, rooms, gardens, or places for all or some of the purposes aforesaid, upon such terms and conditions, and subject to such restrictions, as they by the respective licences determine; and every licence shall be in force for one year:
- (3.) Such justices may from time to time, at any such special session aforesaid, transfer any such licence to such person as they think fit:
- (4.) Each person shall in each case give seven days notice to the clerk of the justices of his intention to apply for any such licence, or for the transfer of any such licence:

A.D. 1869.

- (5.) Any house, room, garden, or place kept and used for public dancing, music, or other public entertainment of the like kind without such licence first obtained shall be deemed a disorderly house, and the person occupying or rated as the occupier of the same shall be liable to a penalty not exceeding five pounds for every day on which the same is kept and used for any of the purposes last aforesaid :
- (6.) There shall be affixed and kept up in some conspicuous place on the door or entrance of every house, room, garden, or place so kept or used and so licensed as aforesaid an inscription in large capital letters in the words following, "Licensed in pursuance of Act of Parliament :"
- (7.) Any house, room, garden, or place so kept or used, although so licensed as aforesaid, shall not be opened for any of the said purposes except between the hours stated in the licence :
- (8.) The affixing and keeping up of such inscription as aforesaid, and the limitation of the hours of opening, shall be inserted in and made conditions of every such licence ; and in case of any breach of either of those conditions such licence shall be liable to be revoked by the order of any two justices.

263. If any person keeps or acts or assists in the management of a brothel or other disorderly house, room, or other place, he shall be liable to a penalty not exceeding ten pounds, or, in the discretion of the justice before whom he is convicted, to be imprisoned, with or without hard labour, for any term not exceeding one month.

Penalties on
brothel
keepers, &c.

XIV.—DEALERS IN MARINE STORES, &c.

264. The Corporation may from time to time grant to every such person as they think fit a licence to carry on the business of a dealer in marine stores, or in old metals (within the meaning of enactments relating to dealers of those classes respectively), and may charge a fee not exceeding five shillings for any such licence for twelve months, and in the like proportion for any shorter period.

Power to
license
dealers in
marine
stores, &c.

265. With respect to such dealers and their licences the Corporation may from time to time make byelaws for all or any of the following purposes ; namely,

Power to
make bye-
laws as to
dealers in
marine
stores, &c.

For regulating the applications for such licences, and the form and contents and signature thereof, and the registration thereof, and of matters relative thereto :

A.D. 1869.

For regulating the duration of every such licence, and providing for the suspension or revocation thereof by the Corporation :

For requiring every person so licensed to give notice to the Corporation in case of his changing his place of abode, or his place of carrying on his business, either to a different building or to a different or additional part of the same building :

For requiring every person so licensed to keep exhibited outside his place of business his name and occupation, and any other particulars :

For requiring every person so licensed to enter in a book the description and the price of every article purchased or acquired by him in the course of his business, and the name, address, and occupation of the person from whom the same is purchased or otherwise acquired, and any other particulars, and for securing free access to every such book to the Corporation, their officers and servants, and persons authorized by the Corporation to inspect the same.

Licences may be suspended or revoked.

266. Any such licence may be suspended or revoked by any justice before whom the person licensed is convicted of any offence making it, in the opinion of such justice, expedient that such licence should be suspended or revoked.

Penalty on persons carrying on business without licence.

267. If any person, after the expiration of one month from the commencement of this Act, carries on while unlicensed the business of such a dealer as aforesaid, he 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 continues after the time when the penalty of twenty pounds is adjudged.

XV.—HACKNEY AND STAGE CARRIAGES; PORTERS CARTS;
PORTERS AND DROVERS.

Power to license hackney carriages and porters carts and drivers.

268. The Corporation may from time to time license such number of hackney carriages and porters carts to ply for hire within the borough, and such number of persons to act as drivers thereof respectively, as they think fit.

Prohibition of use of carriages, &c. without licence.

269. If the proprietor of or any person interested in any carriage or cart permits it while unlicensed to be used as a hackney carriage or porter's cart plying for hire, or if any person is found driving for hire, or standing, or plying for hire with any carriage or cart while it is unlicensed, he shall be liable to a penalty not exceeding forty shillings.

270. If any person while unlicensed acts as driver of a licensed hackney carriage or licensed porter's cart, or if any licensed driver lends his licence, or parts with the possession of it, or fails to produce it when required by any justice, or by any hackney carriage inspector, or by any constable, or if the proprietor of a hackney carriage or porter's cart employs an unlicensed person as driver thereof, he shall be liable to a penalty not exceeding forty shillings.

A.D. 1869.
Prohibition
of un-
licensed
persons
acting as
drivers.

271. The Corporation may from time to time make byelaws for all or any of the following purposes; (that is to say,)

Power to
make bye-
laws as to
hackney
carriages
and porters
carts and
drivers.

For regulating the mode of application for and the issuing of licences for hackney carriages and porters carts, and the drivers thereof, and the fees to be paid for licences (not exceeding five shillings for any such licence for twelve months, and in the like proportion for any shorter period), and the form and contents of licences and the registering thereof, and of matters relative thereto, and the duration of licences, and the conditions on which the same are to be held, or may be revoked or suspended:

For regulating the conduct of the proprietors and drivers of hackney carriages and porters carts in their several employments, and determining whether such drivers shall wear any and what badge, and for regulating the hours within which they may exercise their calling:

For the numbering and identifying of hackney carriages and porters carts, and for regulating the manner in which the numbers are to be displayed:

For regulating the number of persons to be carried by any hackney carriage, and in what manner such number is to be shown on such carriage, and for requiring the driver to carry that number or any less number, and for regulating what number of animals is to draw any hackney carriage or any porter's cart, and the kind and condition of such animals, and the placing of a check string to any such carriage, and the holding of the same by the driver, and how such carriages are to be furnished or provided:

For punishing misconduct of drivers of hackney carriages and porters carts in refusing or neglecting to drive as required, and for preventing the carrying in or upon hackney carriages of dead bodies, or of persons having any infectious, contagious, or loathsome disease, and for preventing persons being carried in or upon hackney carriages without the consent of the hirers:

For fixing the stands of hackney carriages and porters carts, and the distance to which they may be compelled to take passengers

A.D. 1869.

and goods, not exceeding seven miles beyond the boundary of the borough :

For fixing the fares for time and for distance to be paid for hackney carriages and for porters carts, and for securing the due publication thereof, and for regulating deposits of money in addition to fares for carriages or carts kept waiting by the hirers :

For securing the safe custody and re-delivery of property accidentally left in any hackney carriage or porter's cart, and fixing the charges to be paid in respect thereof.

Penalty for fraudulent use of numbers, &c.

272. If any person fraudulently or with intent to deceive does either of the following things ; namely,

- (1.) Affixes or places on any carriage or cart any figure or number to resemble any figure or number appointed by the Corporation to be affixed to any licensed hackney carriage or licensed porter's cart ;
- (2.) Affixes or carries on his person any badge, figure, or number to resemble any badge, figure, or number appointed by the Corporation to be carried by a licensed driver ;

he shall be liable to a penalty not exceeding forty shillings.

Agreement for less than fare binding on driver.

273. If the proprietor or driver of a licensed hackney carriage or licensed porter's cart, or any person on his behalf, agrees beforehand with any hirer thereof to take for any job a sum less than the fare allowed by byelaw, but exacts or demands for such job more than the sum agreed on, he shall be liable to a penalty not exceeding forty shillings.

Agreement for more than fare not binding on hirer.

274. An agreement made with the driver of or any person having or pretending to have the care of any hackney carriage or porter's cart for the payment of more than the fare allowed by byelaw shall not be binding on the person making the same, who may, notwithstanding such agreement, refuse on discharging such carriage or cart to pay any sum beyond the fare allowed by byelaw ; and if any person actually pays to any such driver, in pursuance of any such agreement or otherwise, any sum exceeding the fare to which the driver is entitled, he may, on complaint made against the driver before a justice, recover back such sum, and, moreover, the driver shall be liable to a penalty not exceeding forty shillings ; and in default of repayment by such driver of such excess of fare, or the payment of such penalty, the justice may commit him to prison for any time not exceeding one month, unless the excess of fare and the penalty are sooner paid.

275. If the proprietor or driver of any hackney carriage, or any person on his behalf, agrees with any person to carry by such carriage persons not exceeding in number the number allowed to be carried by it for a distance to be in the discretion of such proprietor or driver, and for a sum agreed on, but the distance for which he carries such persons is less than that for which they are entitled to be carried for the sum agreed on according to the fares allowed by byelaw, he shall be liable to a penalty not exceeding forty shillings.

A.D. 1869.
—
Agreement
for discre-
tionary
distance.

276. If any proprietor or driver of a hackney carriage or porter's cart is convicted of taking as a fare a greater sum than that allowed by byelaw he shall be liable to a penalty not exceeding forty shillings, which penalty may be recovered before one justice; and in the conviction of such proprietor or driver an order may be included for payment of the sum so overcharged, in addition to the penalty and costs, and such overcharge shall be returned to the party aggrieved.

Penalty for
demand of
excessive
fares.

277. It shall not be lawful for any person authorized by the proprietor of any hackney carriage or porter's cart to act as driver thereof to suffer any other person to act as driver thereof without the consent of the proprietor thereof, or for any person, whether licensed or not, to act as driver of any such carriage or cart without the consent of the proprietor thereof; and if any person offends in any respect against the present enactment he shall be liable to a penalty not exceeding forty shillings.

Drivers not
to act with-
out consent
of proprie-
tors, &c.

278. If the driver of or any person having or pretending to have the care of any hackney carriage or porter's cart is intoxicated while driving, or by wanton and furious driving, or by any other wilful misconduct, injures or endangers any person in his life, limbs, or property, he shall be liable to a penalty not exceeding five pounds.

Penalty on
driver for
misconduct,
&c.

279. If any driver of a hackney carriage or porter's cart suffers the same to stand for hire across any street, or alongside of any other such carriage or cart, or refuses to give way if he conveniently can to any such other carriage or cart, or obstructs or hinders the driver of any carriage from taking up or setting down any person into or from any carriage, or wrongfully or in a forcible manner prevents or endeavours to prevent the driver of any other hackney carriage or porter's cart from being hired, he shall be liable to a penalty not exceeding twenty shillings.

Penalty on
driver for
obstructing
streets, &c.

280. If the driver of any hackney carriage or porter's cart leaves it in any street, or at any place of public resort or entertainment,

Proceedings
where car-
riage, &c.
left in street.

A.D. 1869. whether it is hired or not, without some one proper to take care of it, any constable may drive it away, and deposit it and the animal harnessed thereto at some neighbouring livery stable or other place of safe custody, and such driver shall for every such offence be liable to a penalty not exceeding twenty shillings, and in default of payment thereof, and of the expenses of the taking and keeping of the carriage or cart and animal, the same, with the harness belonging thereto, or any of them, shall be sold by order of a justice, and after payment out of the produce of such sale of the amount of the penalty, and of all costs and expenses, as well of the proceedings before the justice as of the taking, keeping, and sale aforesaid, the surplus, if any, of such produce shall be paid to the proprietor of the carriage or cart.

Liability of proprietor to compensation for damage done by driver.

281. Where any hurt or damage is caused to any person or property by the driver of any hackney carriage or porter's cart let to hire, the justice before whom the driver is convicted may order that the proprietor of the carriage or cart do pay such sum, not exceeding five pounds, as appears to the justice reasonable compensation for such hurt or damage, and every proprietor who pays any such compensation may recover the same from the driver.

Endorsement of conviction of driver on licence.

282. Where any licensed driver complained of is adjudged guilty of the offence alleged against him, the justice before whom he is convicted shall make an endorsement on his licence stating the offence and the amount of the penalty inflicted.

Compensation, &c. to driver acquitted.

283. If the driver of a hackney carriage or porter's cart is summoned or brought before any justice to answer any complaint or information concerning any offence alleged to have been committed by him against this Act, or any byelaw under it, and the complaint or information is withdrawn or quashed or dismissed, or the driver is acquitted of the offence charged against him, the justice may order the complainant or informant to pay to the driver such compensation for his loss of time in attending the justice concerning the complaint or information as to the justice seems reasonable; and in default of payment of such compensation the justice may commit the complainant or informant to prison for any time not exceeding one month, unless the same is sooner paid.

Recovery of fare.

284. If any person refuses to pay, on demand, to any proprietor or driver of any hackney carriage or porter's cart the fare to which he is entitled, the same may be recovered, with costs, before a justice as a penalty.

Penalty for injury to carriage or cart.

285. If any person using any hackney carriage or porter's cart wilfully injures the same, he shall be liable to a penalty not

exceeding five pounds, and shall also pay to the proprietor of the carriage or cart reasonable satisfaction for the damage sustained, and such satisfaction shall be ascertained by the justice before whom the conviction is had, and may be recovered by the same means as the penalty.

A.D. 1869.

286. The Corporation may from time to time make byelaws for all or any of the purposes following; (that is to say,)

Power to make byelaws as to omnibuses, carts, &c.

For regulating omnibuses and stage carriages in the streets, and the conduct of the drivers and conductors thereof, and for preventing the overcrowding thereof, and touching the number and fitness of the animals to be employed to draw the same:

For requiring owners of carts used in the streets to place their names, descriptions, and addresses conspicuously on their carts:

For prohibiting any person from acting as driver of any cart on which the owner's name, description, and address are not so placed.

287. The Corporation may from time to time make byelaws for all or any of the purposes following; (that is to say,)

Power to make byelaws as to porters and drovers.

For licensing porters (that is to say, persons following the business of carrying errands, messages, parcels, or luggage for hire), and drovers (that is to say, persons offering themselves to lead or drive cattle for hire), and for charging any fee not exceeding five shillings for any such licence for twelve months, and in the like proportion for any shorter period, and for regulating the conduct of porters and drovers in their employments, and determining whether porters and drovers shall wear any and what badges, and for regulating the hours within which they may exercise their calling:

For fixing the stands of porters and drovers, and the distance to which they may be compelled to go in the exercise of their calling, not exceeding, in the case of porters, three miles, and in the case of drovers twenty miles beyond the boundary of the borough:

For fixing the fares, as well for time as for distance, to be paid to porters and drovers, and for securing the due publication of such fares:

For securing the safe custody and re-delivery of any property accidentally left with porters or drovers, and fixing the charges to be paid in respect thereof:

And in any such byelaws the Corporation may (if they think fit) adopt and apply to porters and drovers, *mutatis mutandis*, any of

A.D. 1869. the provisions of this Act relative to drivers of hackney carriages and porters carts, so far as the same are applicable.

XVI.—FIRE.

Power to provide fire police stations, &c.

288. The Corporation may continue and maintain their fire police stations and engine houses, and other offices and buildings connected with the fire police establishment, and may from time to time enlarge the same, and purchase by agreement or take at a rent any buildings or lands for fire police stations, engine houses, and firemen's dwellings, and other buildings and lands necessary for fire police purposes, with all proper conveniences, and appropriate for those purposes and alter and enlarge any buildings or lands for the time being vested in them, and repair and furnish and fit up any such buildings.

Power to provide fire engines, firemen, &c.

289. The Corporation may continue and maintain and from time to time provide such fire engines, water buckets, pipes, water carts, fire escapes, and other implements for use in case of fire, and such horses for drawing such engines and water carts, and employ such persons as superintendents and firemen on such terms and allow them such wages and such rewards for exertion in case of fire, and make such byelaws for the government of the fire police establishment of the borough, as they think fit.

Discharged firemen or servants may be turned out of possession of houses.

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

Power to enter and break open premises in case of fire.

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

292. For securing a proper supply of water for extinguishing fire within the water limits of this Act the following provisions shall take effect; (namely,)

A.D. 1869.
Corporation
to provide
fireplugs.

(1.) Within the borough the Corporation shall fix and maintain proper fireplugs in their main and other pipes at such places as they think requisite, having regard to the number of the buildings near such pipes and other circumstances :

(2.) Beyond the borough the Corporation shall, at the request and expense of any local board or other local authority concerned, fix and maintain proper fireplugs in their main and other pipes :

(3.) The Corporation shall, at the request and expense of the owner or occupier of any work, warehouse, or manufactory in any street or court within or beyond the borough in which there is a pipe of the Corporation, place in each street or court and maintain a fireplug (to be used only for extinguishing fires) as near as conveniently may be to the exterior of such work, warehouse, or manufactory :

(4.) As soon as any such fireplug is completed the Corporation shall deposit a key thereof at each place where any public fire engine is kept under this Act, and in such other places as they think fit, and shall put up a public notice in some conspicuous place in each street or court in which such fireplug is placed, showing its situation, which notice they may put up on any building in such street within or beyond the borough :

(5.) In such parts of the borough as are situate westward of the line of Mining Fault in the borough (which line is delineated on the Ordnance map or plan of the Geological Survey of Great Britain) the Corporation shall at all times keep charged with water all their pipes to which fireplugs are fixed, and shall allow all persons at all times to take thereout and use water for extinguishing fire without payment :

(6.) If the Corporation fail to fix or maintain such fireplugs or (unless prevented by frost, unusual drought, or other unavoidable cause or accident) to keep their pipes charged as aforesaid, they shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding forty shillings for every day during which such failure continues after notice in writing given to them thereof.

293. The Corporation may send any fire engine and any part of the fire police establishment beyond the borough to extinguish fire,

Power to
send fire
engines,
&c. out of
borough.

[Ch. cxxxii.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. — and the Corporation may recover the expenses of sending the same from any person on whose property any such engine or part of the fire police establishment is employed for the extinguishment of fire.

Penalties as to chimneys on fire.

294. If any person wilfully sets on fire any chimney he shall be liable to a penalty not exceeding five pounds, and if any chimney takes fire accidentally the occupier of the building, or the part thereof to which such chimney belongs, shall be liable to a penalty not exceeding ten shillings, unless he proves to the satisfaction of the justice before whom the case is heard that the fire was in nowise owing to omission, neglect, or carelessness of himself or his servant.

Restriction on making of fireworks, &c.

295. If any person makes within the borough lucifer matches, or any combustible article in the manufacture of which gunpowder or detonating powder is used, in any place other than in a detached building, or in any case nearer than one hundred yards to any street or dwelling house, he shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding ten pounds for every day during which the offence continues after the time when the first penalty of ten pounds is incurred.

Execution of licensing powers as to gunpowder, petroleum, &c.

296. For the better execution of the provisions of the following Acts; namely,

The Gunpowder Act, 1860, and any Act for the time being in force amending the same;

The Act of the session of the twenty-fifth and twenty-sixth years of Her Majesty (chapter sixty-six), "for the safe keeping of petroleum," and any Act for the time being in force amending the same;

the following provisions shall have effect; (that is to say,)

- (1.) Any licence granted under the last-mentioned Acts or any of them may be suspended or revoked when and as the Council think fit:
- (2.) Every such licence shall be under the hand of the town clerk:
- (3.) For every such licence the Council may charge a fee not exceeding one guinea:
- (4.) The powers conferred on the Council by the last-mentioned Acts or any of them, or by this Act, in relation thereto, may be executed by a committee of the Council appointed according to the provisions of the Municipal Corporation Acts as modified by this Act.

XVII.—EXECUTION OF WORKS GENERALLY.

A.D. 1869.

297. Whenever by this Act, or any byelaw thereunder, or any notice or order of the Corporation, any work, act, or thing is required to be done by any owner, occupier, or other person, and default is made therein, or if any such work, act, or thing is improperly or insufficiently done, the Corporation may cause such work, act, or thing to be executed, re-executed, or done (as the case may require), and also whenever any work, act, or thing is by this Act, or by any such byelaw, notice, or order as aforesaid, prohibited being done, and it nevertheless is done, the Corporation may remove, abate, or alter the work, act, or thing so done, and the expenses incurred by the Corporation in any such case, or incidental thereto, shall be repaid to them by the person making default in the execution or doing of, or improperly or insufficiently or unlawfully executing or doing, such work, act, or thing, as the case may be, notwithstanding any penalty may be imposed upon such person by this Act or any such byelaw.

Power to execute works, &c. in default of person liable.

298. The Corporation, by their officers and servants, may at all reasonable times in the daytime, and after twenty-four hours notice to the occupier of the premises, or, if there is no occupier, to the owner, from time to time enter upon any building or lands for the purpose of inspecting any works or buildings in progress of construction or alteration, or of making such examination as may be necessary to ascertain whether the provisions of this Act, or of any byelaw thereunder, have been complied with, or of carrying into execution any of the powers contained in this Act or in any such byelaw, without being deemed trespassers, or liable to any action, indictment, or other proceeding on account thereof.

Power to enter and inspect.

299. In case the occupier of any building or lands prevents the owner thereof from carrying into effect in respect thereof any of the provisions of this Act, or of any byelaw thereunder, 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 all such works with respect to such building or lands as may be necessary for carrying into effect the provisions of this Act or of any such byelaw; and if after the expiration of ten days from the service of such order the occupier continues to refuse to permit the owner to execute any such work, he 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

Penalty on occupiers opposing execution of Act.

A.D. 1869. have become liable by reason of his default in executing such works.

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

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

Power to keep materials, &c.

301. The Corporation may from time to time provide and may keep such materials as they think requisite for enabling them to execute any works which they are by this Act authorized or required to execute.

XVIII.—RECOVERY OF NEW STREET AND OTHER EXPENSES.

Recovery of new street and other expenses from owners and others.

302. All new street expenses and all other expenses by this Act or any byelaw thereunder made payable by or recoverable from the owner of any building or lands, or from the occupier of any building or lands, or from any other person, shall, if not paid on demand, be recoverable by the Corporation, with interest thereon from the expiration of one month after such demand at a rate to be determined by the Corporation, not exceeding five pounds per centum per annum, either as a debt from such owner or from such occupier, or from such other person (as the case may be), in any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or of such occupier, or of such other person (as the case may be), and any justice may issue his warrant accordingly.

Expenses to be a charge on lands as if mortgaged.

303. All new street expenses and other expenses by this Act or any byelaw thereunder made payable by or recoverable from the owner of any building or lands, with such interest thereon as by this Act or any such byelaw is provided for, shall be a charge on such building or lands in priority to any incumbrance or charge on or affecting the same, and the Corporation shall have the like rights and remedies in respect of such charge as if they were first mortgagees of such building or lands for the amount of such charge.

Power to enter into possession, &c. where

304. If the owner of any building or lands by this Act charged with any new street or other expenses fails for the space of six months after the same become recoverable from him to fully pay

the same, with all interest thereon, 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 to such owner of their intention to put in force the powers of the present section, proceed as follows; namely,

A.D. 1869.
owner fails to pay his proportion of new street or other expenses.

(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 nonpayment 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, enclose, and use the same or any part thereof:

(3.) The Corporation may 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.

305. 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,)

Application of rents and profits received.

(1.) There shall be paid thereout all taxes, rates, assessments, expenses of repairs, and other outgoings properly payable

A.D. 1869.

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 new street expenses or other expenses as aforesaid :

- (2.) 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 new street or other expenses, and interest in respect of the same, or any other buildings or lands in the same or any other street :
- (3.) There shall be paid any chief rent payable in respect of the building or lands :
- (4.) The surplus (if any) shall be paid to the owner, his representatives or assigns.

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

306. Whenever the Corporation so enter into 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 for new street or other expenses is unsatisfied, as well after the termination of that period as during its continuance, the owner of the building or lands, and the owner of any chief rent issuing thereout, 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.

Saving for special contracts as to expenses of works.

307. Nothing in this Act shall alter the liabilities respecting the payment of any expenses made payable or recoverable by this Act, or any byelaw thereunder, of any owner and occupier as between themselves under any special contract relative thereto made before or after the commencement of this Act.

Power to allow time for repayment of new street expenses, &c.

308. When any new street or other expenses are to be repaid by the owners or occupiers of buildings or lands, the Corporation may by resolution allow to the owners or occupiers, or any of them, time for the repayment thereof, or of any part thereof, and may order the same, or any part thereof, to be repaid either in one sum or by such instalments as the Corporation think fit, with interest for the principal money from time to time remaining unpaid after such rate as the Corporation determine; but all sums so remaining due, notwith-

standing that the Corporation agree so to allow time, shall from time to time, at the expiration of the several times allowed, be recoverable from the respective owners and occupiers for the time being, both present and future, in succession one after another, as the same would have been recoverable from the original owner or occupier if no such time had been allowed; and with respect to any such instalment, the time limited by this Act or otherwise for the recovery of expenses shall be deemed to run only from the time when such instalment becomes due. A.D. 1869.

309. All owners of buildings or lands being tenants for life only, and all committees of lunatics, and all trustees seised, possessed of, or entitled to any estate or interest, either at law or equity, in any buildings or lands for or on behalf of any person or charity, may charge such buildings or lands with such sum as may be necessary to defray the whole or any part of any new street or other 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 to any person advancing such sum, but so that the principal money due on any such mortgage shall be repaid within twenty years. Persons having partial interests may raise expenses by mortgage.

310. With respect to any new street or work begun or executed by the Corporation before the commencement of this Act, the provisions of this Act relative to new street and other expenses shall apply in every such case as if such new street or work was begun after the commencement of this Act; and all notices given and proceedings taken before the commencement of this Act with a view to the beginning or execution of any such street or work, or to the recovery of the expenses thereof, shall be as effectual to all intents as if the same had been given or taken in accordance with the provisions of this Act; and all such notices and proceedings may, after the commencement of this Act, be acted on and continued as if they had been given and taken under this Act. Same rules to apply as to works previous to Act.

XIX.—LANDS.

311. The regulations contained in section seventy-five of the Local Government Act, 1858, shall be observed with respect to the purchase of lands by the Corporation for the purposes of this Act, and shall apply and have effect as if the Corporation were a local board acting under that Act for the borough as their district, and as if the purposes of this Act were purposes of that Act, and the costs, charges, Purchase of lands.

A.D. 1869. and expenses in that section provided for shall become a charge on the improvement fund created by this Act.

Power to agree for easements, &c.

312. The Corporation may take by agreement, and any person by the Lands Clauses Consolidation Act, 1845, or otherwise enabled to sell lands, may grant to them any term, estate, easement, interest, right, or privilege (other than a right or privilege of water) in, over, affecting, or belonging to lands, at a yearly rent or otherwise; but in the case of a person not enabled otherwise than by the Lands Clauses Consolidation Act, 1845, to sell lands, then subject and according to the provisions relative to the taking of lands by agreement contained in that Act and the Lands Clauses Consolidation Acts Amendment Act, 1860, for which purpose any such term, estate, easement, interest, right, or privilege shall be deemed lands within the meaning of those Acts.

Power to grant building leases of lands near park, &c.

313. In case any lands acquired by the Corporation before or after the commencement of this Act for the purpose of any park or new street for the time being authorized to be made by the Corporation are not laid into and made part of the park or street, or where any lands are taken by the Corporation for providing space for the erection of buildings adjoining to or near any street or improvement, the Corporation, when and as they think fit, may convey or demise for any term of years such lands, or any parts thereof, to any persons agreeing to erect thereon, or any parts thereof, erections and buildings of such rate or class of buildings, and upon such plan and elevation, and of such height, and with such storeys, and with such yards or gardens, as the Corporation think proper, and the Corporation may (if they think fit) take any fine for any such conveyance or lease, and may (if they think fit) reserve any rent in any such conveyance or lease; and every such conveyance or lease shall contain a covenant for the payment of any rent thereby reserved, and such other covenants on the part of the grantee or lessee as the Corporation think reasonable, and may contain a clause in the nature of a condition of re-entry on nonpayment of any rent thereby reserved, or nonperformance of the covenants on the part of the grantee or lessee therein contained.

Power to make agreements as to building leases, &c.

314. The Corporation may, if they think fit, from time to time enter into any agreement for such a conveyance or lease on such terms and conditions as they think fit, and on making a conveyance or lease in pursuance thereof may alter the amount of the rent agreed to be reserved, and may apportion the same, and make separate leases of any parts of the lands comprised in the agreement, as they think fit, and may alter or rescind any such agreement, and the

Corporation may accept any re-conveyance or the surrender of any lease for the purpose of making separate conveyances or leases of the same lands in parcels at apportioned rents, or another conveyance or lease of the same lands under different covenants, or otherwise, in all respects as they think fit.

A.D. 1869.

315. The Corporation, as and when they think fit, and either before or after any such conveyance or lease is granted, may sell and dispose of any rent reserved or agreed to be reserved for any such lands, and the reversion and inheritance in fee simple in possession (subject to any such lease or agreement of or concerning the lands) of such erections and buildings, except such as have been otherwise disposed of under this Act, either altogether or in parcels, by public auction or by private contract, for such price as the Corporation think reasonable, and subject to such stipulations and provisions for the enjoyment thereof, and as to the nature of the erections and buildings which are to be at all times erected thereon, and to such stipulations as to the title to be produced to the hereditaments sold, as the Corporation think fit; and the Corporation shall, at the request and expense of each purchaser, on payment of his purchase money, by deed convey and assure the lands purchased by him, with the erections and buildings thereon and the appurtenances, to the purchaser, his heirs and assigns, or as he directs, free from incumbrances, except the building conveyance, lease, or agreement of or concerning the same made under this Act.

Sale of lands
subject to
building
leases, &c.

316. The Corporation, if they think it expedient, may from time to time sell and dispose of in manner herein-before directed any such lands as aforesaid without having previously made or agreed to make any conveyance or lease thereof, and convey and assure the same to the purchaser thereof, for such price, and upon, under, and subject to such covenants and agreements on the part of the purchaser with respect to the rate or class of the erections and buildings to be erected thereon, and the height, size, and elevations thereof, and the time and manner of erecting the same, and with respect to any other matters, restrictions, and things relating thereto, as the Corporation think fit.

Power to
sell without
previous
grant of
building
lease.

317. The Corporation shall, before or at any time within fifty years after the completion of the park or street for the purposes whereof any lands are acquired, sell or dispose of and convey such parts of those lands as are not wanted for the purposes of the same park or street, or of any other park or street for the time being authorized to be made by the Corporation; but nothing in the present section shall compel the Corporation to sell or dispose of rents reserved in any such conveyances or leases as aforesaid.

Sales to be
made within
limited time.

A.D. 1869.

Power to
sell, &c.
lands not
wanted.

318. Subject to the other provisions of this Act, the Corporation may from time to time sell, lease, exchange, or otherwise dispose of any building or lands, or any parts thereof, vested in them at the commencement of this Act, or acquired by them under this Act, and not wanted for the purposes thereof, and make, execute, and do any deed, act, or thing proper for effectuating any such sale, lease, exchange, or other disposition.

Application
of purchase
money of
land.

319. Any purchase money received on any sale of land, and any money received for equality of exchange by the Corporation under this Act, shall be distinguished as capital in the accounts of the Corporation, and shall be applied exclusively for purposes for which money borrowed under this Act is applicable, or in discharge of money so borrowed, and in case any land purchased by the Corporation before the commencement of this Act for sewerage works and purposes connected therewith is sold, the purchase money received for the same shall be applied exclusively in or towards discharge of the money borrowed for the purpose of the purchase of that land and remaining undischarged, if any, and any money so discharged shall not be re-borrowed.

Lands in
certain cases
not to be
sold without
consent of
Treasury.

320. Except as to buildings or lands acquired by the Corporation under any Act repealed by this Act, or under the Public Health Acts, or under this Act, nothing in this Act shall enable the Corporation to sell, alienate, encumber, or demise for the purposes of this Act, without the approbation of the Commissioners of Her Majesty's Treasury, signified in writing, any buildings or lands which they could not have sold, alienated, encumbered, or demised without such approbation before the commencement of this Act.

XX.—BOROUGH AND IMPROVEMENT FUNDS AND RATES.

Conti-
nuance of
borough fund
and charges
thereon.

321. Except as is in this Act expressly otherwise provided, nothing in this Act shall affect the borough fund or the borough rate, and notwithstanding anything in this Act all expenses which under the Municipal Corporation Acts, or any other Act remaining in force after the commencement of this Act, and applying to the borough, are charged on the borough fund, shall continue and be charged thereon and payable thereout.

Improve-
ment fund.

322. For the purposes of this Act there shall be a fund called the Improvement Fund, and with respect thereto the following provisions shall have effect; (namely,)

- (1.) From and after the commencement of this Act there shall be paid to the treasurer, and by him on receipt carried to the

improvement fund, all such rents and profits of lands as are under this Act or otherwise for the time being receivable by the Corporation, or any member or officer thereof as such, and as are not by the Municipal Corporation Acts directed to be carried to the borough fund, and all such money as belongs or is payable to the Corporation, or any member or officer thereof as such, and as is not by the Municipal Corporation Acts directed to be carried to the borough fund (except money borrowed under the authority of this Act), including the following particulars, namely,

All money in the hands of the treasurer on the district fund account at the commencement of this Act :

All money from time to time payable for new street or other expenses, purchase money of, consideration for, and fines on land sold, leased, exchanged, or disposed of by the Corporation under this Act, water rents, tolls, rents, and stallages, sums received by the Corporation for the sale or other disposal of sewage, fees for licences, and fines and penalties payable to the Corporation, and not to be carried to the borough fund :

But this enumeration of certain particulars shall not restrict the generality of the description before given in the present provision :

- (2.) Out of the improvement fund there shall be paid all the expenses of the Corporation, including the sewerage expenses, except such as are under the Municipal Corporation Acts or any other former Act or this Act payable out of the borough fund :
- (3.) In case the improvement fund is at any time more than sufficient to pay the expenses payable thereout, the surplus thereof shall be applied, under the direction of the Council, for the public benefit of the inhabitants or improvement of the borough.

323. In case the improvement fund is at any time insufficient to pay the expenses payable thereout, the Council shall from time to time, annually or oftener, as and when they think fit, estimate as correctly as may be the amount in addition to the borough fund which will be sufficient to pay those expenses, and shall raise the same by means of a rate called the Improvement Rate, and accordingly such a rate the Corporation shall, annually or oftener, as and when they think fit, make, assess, and levy according and subject to the following provisions ; (that is to say,)

Power to
levy im-
provement
rate.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.

- (1.) They shall make, assess, and levy the improvement rate on the occupiers of all such kinds of property as by the laws in force for the time being are assessable to any rate for the relief of the poor according to the net annual value of such property :
- (2.) The owner of any tithes or tithe commutation rentcharge, and the occupier of any land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, and the occupier of any land covered with water or used only as a canal or towing-path for the same, or as a railway constructed 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 net annual value thereof.

Produce of rate to be carried to improvement fund.

324. All money levied by means of the improvement rate shall be paid to the treasurer, and shall be carried to and shall form part of the improvement fund, and shall be applied accordingly.

Other provisions as to rates excluded.

325. From and after the commencement of this Act the provisions of any Act authorizing the levying of rates for the purposes of baths and wash-houses, and bathing places, shall cease to apply to the borough.

Rates may be prospective or retrospective.

326. The Corporation may make any rate prospectively in order to raise money to pay expenses to be incurred after the making of the rate, or retrospectively in order to raise money to pay expenses incurred within six months before the making of the rate, whether before or after the commencement of this Act.

Power to rate owner instead of occupier in cases described.

327. The owner instead of the occupier of the property may from time to time, at the option of the Corporation, be rated in the following cases ; (namely,)

- (1.) Where the rateable value of the property rated does not exceed the sum of ten pounds ;
- (2.) Where buildings or lands are let to weekly or monthly tenants ;
- (3.) Where buildings are let in separate apartments ;
- (4.) Where the rents become payable or are collected at any shorter period than quarterly ;
- (5.) Where the property rated is a mill, manufactory, machine shop, or other work wherein or in any part whereof steam power is supplied by the owner ;

And where the owner is so rated instead of the occupier, then (except in the case of such a mill, manufactory, machine shop, or

work as last aforesaid) he shall be assessed on two thirds only of the net annual value. A.D. 1869.

328. Subject to the other provisions of this Act, the net annual value of all property rateable under this Act shall, on every occasion of a rate being made, be ascertained according to the then next preceding assessment for the relief of the poor within the borough. Value of property to be ascertained according to poor rate.

329. The Council may cause all or any of the books or assessments of rates for the relief of the poor within the borough to be produced before them, and may cause a copy thereof, or of any part thereof, to be taken without payment; and if any person in whose custody or power any such book or assessment is fails, when required, to attend the Council therewith, or to permit the Council to cause to be taken a copy thereof, or of any part thereof, he shall be liable to a penalty not exceeding fifty pounds. Power for Council, &c. to inspect parish rate books.

330. If at the time of making any improvement rate any premises in respect of which the rate may be made are unoccupied, such premises shall be included in the rate, but the rate shall not be charged on any person in respect of the same whilst they continue to be unoccupied, and if any such premises are afterwards occupied during any part of the period for which the rate was made, and before the same has been fully paid, the name of the incoming tenant shall be inserted in the rate, and thereupon so much of the rate as at the commencement of his tenancy is in proportion to the remainder of the said period shall be collected, recovered, and paid in the same manner in all respects as if the premises had been occupied at the time when the rate was made; and if any owner or occupier assessed or liable to any such rate ceases to be owner or occupier of the premises in respect whereof he is so assessed or liable before the end of the period for which the rate was made, and before the same is fully paid, he shall be liable to pay only such part of the rate as is in proportion to the time during which he continues to be such owner or occupier, and in every such case, if any person afterwards becomes owner or occupier of the premises during part of the said period, he shall pay such part of the rate as is in proportion to the time during which he continues to be such owner or occupier, and the same shall be recovered from him in the same manner as if he had been originally assessed or liable. Assessment to rates in case of unoccupied premises.

331. If at any time the rate for the relief of the poor is, in the judgment of the Corporation, an unfair criterion by which any rates under this Act should be made, they may cause a valuation to be made of all or any part of the rateable property within the borough by some competent person, and any rate under this Act shall, as to Apportionment of rates between outgoing and incoming tenants, &c.

331. If at any time the rate for the relief of the poor is, in the judgment of the Corporation, an unfair criterion by which any rates under this Act should be made, they may cause a valuation to be made of all or any part of the rateable property within the borough by some competent person, and any rate under this Act shall, as to If poor rates considered an unfair criterion a valuation to be made.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. the property comprised in such valuation, be made upon such valuation.

Power to valuer to enter and examine lands, &c. for purposes of valuation.

332. For the purpose of every such valuation the person appointed for making the same, together with his assistants, may at all reasonable times until the same is completed enter, view and examine, survey and admeasure all and every part of the property to be valued, and do any act or thing necessary for making such valuation; but any valuation made previously to the appointment of such person, if tendered to him, and if in his judgment a just and true valuation, may be used by him.

Form of rate.

333. Every improvement rate made under the authority of this Act shall be fairly transcribed in a book, and shall be sealed with the common seal of the Corporation, and no allowance, publication, or other formality whatever other than such as is expressly prescribed by this Act shall be requisite to the validity of any such rate.

Owner may be rated without stating his name.

334. Where the name of any owner liable to be so rated is not after diligent inquiry 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.

Notice of rate to be given.

335. Notice of every improvement rate made under this Act having been made, and of the place where the rate is deposited, shall be given by the Corporation by placard posted on or near the door of the Town Hall, and also at every passenger railway station within the borough, and by advertisement in a newspaper published in the borough, within seven days next after the rate is made, but it shall not be necessary in any case to prove that such notice has been given.

Rate to be open to inspection of ratepayers.

336. Immediately after any improvement rate is made the same shall be open to the inspection of any person rated at all seasonable times, and any such person may take copies of or extracts from such rate without payment; and if the person having the custody of such rate does not permit any person rated to take such copies or extracts he shall be liable to a penalty not exceeding five pounds.

Power to amend rates.

337. The Corporation may from time to time amend any rate by inserting therein the name of any person who ought to have been rated, or who since the making thereof has become liable to be rated, or by striking out the name of any person who ought not to have been rated, or by increasing or reducing the sum at which any person is rated, or by making such other alterations therein as will

make such rate conformable to this Act, and no such alteration shall be held to vitiate the rate or render it less operative; but any person shall have the same right to appeal from any such amendment as he would have had if the matter of amendment had appeared in the rate originally made, and with respect to him the amended rate shall be considered to have been made at the time when he received notice of the amendment; and in the case of any person the amount of whose rate is increased by the amendment, or whose name is newly inserted as aforesaid, the rate shall not be payable by him until seven days after notice of the amendment given to him.

A.D. 1869.

338. If any person thinks himself aggrieved by any improvement rate on the ground of inequality, unfairness, or incorrectness in the valuation of any rateable property included therein, he may, at any meeting of the Council held at any time within six weeks after the publication of the rate, on giving six days notice to the Corporation, apply for relief to the Council, and the Council, if they think such person aggrieved, may give such relief as to them seems reasonable.

Persons aggrieved by inequality of rate may apply to Council.

339. If any person fails to pay the amount due by him in respect of any rate, the Corporation may recover the amount, with the costs and expenses, by proceeding in any court of competent jurisdiction, or any justice may, on the application of the Corporation, summon such person to appear before him or any other justice at the time to be mentioned in the summons, to show cause why the rate due from him should not be paid, and in case sufficient cause for the nonpayment of such rate is not shown, the same, with such costs as to the justice seems reasonable, may be levied by distress, and such justice may issue his warrant accordingly; provided that if sufficient distress cannot be found within the borough whereon to levy the said rate and costs, and it so appears upon oath before a justice of any other jurisdiction in which any goods or chattels of the defaulter may be, the last-mentioned justice shall endorse his signature upon the said warrant, and thereupon the amount to be levied, or so much thereof as is unsatisfied, shall be levied off the last-mentioned goods and chattels as if the defaulter had been assessed in the last-mentioned county or jurisdiction.

Rates may be recovered by action or distress.

340. When any rate is made for a particular period, and the owner or occupier rated ceases to be the owner or occupier of the property in respect whereof he is rated before the end of such period, he shall only be liable to pay the proportion of the rate for the time during which he continued owner or occupier; and if any other

Rates made for a certain period to be apportioned.

A.D. 1869. person becomes the owner or occupier of the property during any part of such period, such person shall only be liable to pay the proportion of the rate for the time during which he holds or occupies the property, and the same may be recovered from him as if he had been originally rated.

Recovery of rates from persons removing.

341. In case any person quits or is about to quit any rated property before he has paid all rates due from him, and fails to pay the same on demand, the collector or any constable may, by warrant under the hand of a justice (which warrant a justice is hereby authorized and required to grant without issuing any previous summons to such person, upon proof to his satisfaction of such removal or intended removal, or that there is reason to suspect the same), distrain the goods and chattels of such person, and sell the same, rendering the overplus (if any), after having deducted the reasonable expenses attending such distress and sale, together with the rates so due, to the owner of such goods and chattels upon demand.

Rate books to be evidence.

342. The books of the Corporation shall be received as evidence of rates made by the authority of this Act.

XXI.—BORROWING POWERS.

Power to borrow on security of estates, &c.

343. The Corporation may from time to time, for defraying the expenses of the execution by them of this Act, in addition to any mortgage debt existing at the commencement of this Act, borrow at interest, on the security of the estates and property of the Corporation and the improvement fund and improvement rates, any sums not exceeding in the whole one hundred and fifty thousand pounds, and may mortgage their estates and property, and the improvement fund and improvement rates, to secure repayment thereof with interest accordingly.

General borrowing power.

344. Notwithstanding any limitation in this Act, and in addition to any sum specifically authorized to be borrowed under this Act, the Corporation may from time to time borrow at interest, on the security of the estates and property of the Corporation and the improvement fund and improvement rates, so much money as they deem necessary for defraying the expenses of the execution by them of this Act, so that the money borrowed under this section do not at any time exceed in the whole one half of the assessable value for one year of the property within the borough rateable to the improvement rate, and may mortgage their estates and property, and the improvement fund and improvement rates, to secure repayment thereof with interest accordingly.

345. With respect to money for the time being borrowed by the Corporation for the purchase of lands for sewerage works, or distribution of sewage, or for purposes connected therewith, the Corporation may give those lands or any of them as the primary security for the money so borrowed. A.D. 1869.
Power to
make lands
security.

346. Subject to the foregoing provisions, all borrowed money at the commencement of this Act charged on the district fund account and general district rate, or either of them, is hereby transferred to and charged on the improvement fund and improvement rate, and all mortgages issued before the commencement of this Act shall have effect accordingly. Transfer to
improvement
fund.

347. With respect to the debenture debt of the Wolverhampton New Waterworks Company, amounting to the sum of forty thousand pounds, and the interest thereon, to which the Corporation are made liable by their agreement with that company, confirmed by the Waterworks Transfer Act of 1867, and set forth in the third schedule to this Act, the following provisions shall have effect; namely, Provision for
debenture
debt of
waterworks
company.

(1.) The Corporation may from time to time, in addition to any money which they are authorized to borrow independently of this section, borrow at interest on the security of the improvement fund such sums as from time to time become necessary to be raised for the purpose of paying off any portion of that debenture debt, so that the sums so borrowed do not exceed in the whole the sum of forty thousand pounds, and may mortgage the improvement fund to secure repayment thereof with interest accordingly :

(2.) In the meantime, and until any portion of that debenture debt becomes payable and is required to be paid, the Corporation may issue securities for that debenture debt or any part thereof to be secured on the improvement fund in lieu of any securities for the same debt or part thereof issued by the waterworks company, on such last-mentioned securities being delivered up to the Corporation to be cancelled :

(3.) The Corporation may raise all or any part of the money required for the purposes of this section by the creation and issue at such times, in such amounts and manner, on such terms, subject to such conditions, and with such rights and privileges, as they think fit, of stock to be called debenture stock, instead of and to the same amount as the whole or any part of the money which they have raised or are authorized to raise for the purposes of this section, and may attach to the stock so created such fixed

A.D. 1869.

and perpetual interest, payable half-yearly or otherwise, and commencing at once or at any future time or times when and as the debenture stock is issued, or otherwise, as they think fit :

- (4.) Debenture stock of the Corporation shall have all the incidents of personal estate :
- (5.) The Corporation shall cause entries of the debenture stock from time to time created to be made in a register to be kept for that purpose, wherein they shall enter the names and addresses of the several persons and corporations from time to time entitled to the debenture stock, with the respective amounts of the stock to which they are respectively entitled, and the register shall be accessible for inspection and perusal at all reasonable times to every mortgagee and holder of debenture stock of the Corporation without the payment of any fee or charge :
- (6.) The Corporation shall deliver to every holder of debenture stock a certificate stating the amount of the debenture stock held by him :
- (7.) Debenture stock shall, in all respects not otherwise by or under this Act provided for, be considered as entitling the holders thereof to the rights and powers of mortgagees of the improvement fund, other than the right to require payment of the principal money in respect of which the debenture stock is issued.

Power to
borrow on
waterworks.

348. The Corporation may from time to time, in addition to any money which they are authorized to borrow independently of this section, borrow at interest on the security of their waterworks undertaking, with or without the security of the improvement fund, such sums as they from time to time require for the purposes of their waterworks undertaking, not exceeding in the whole the sum of seventy-three thousand five hundred pounds, and may mortgage their waterworks undertaking, with or without the improvement fund, to secure repayment thereof with interest accordingly, whereof the sum of sixty-three thousand five hundred pounds shall be raised for the purpose of paying off or buying up or otherwise discharging the amount of the debenture debt and share capital of the old waterworks company, and the residue whereof shall be deemed to be raised by the Corporation by way of substitution for the like sum which the waterworks company were at the transfer of their undertaking to the Corporation authorized to raise by issue of shares bearing a preferential dividend of five per centum per annum, and all money raised under this section shall be applied for the purposes in this section specified, and not otherwise.

349. The Public Works Loan Commissioners may advance to the Corporation, on the security of the improvement rate, without any further security, such sums of money as those commissioners think fit, to be applied by the Corporation in carrying into effect the purposes of this Act.

A.D. 1869.
Power to Public Works Loan Commissioners to lend money.

350. A person lending money to the Corporation shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application, or be answerable for any loss or non-application of such money or of any part thereof.

Protection of lenders from inquiry.

351. If the Corporation pay off any part of any money borrowed by them under this Act or under any former Act, and remaining unpaid at the commencement of this Act, otherwise than by means of a sinking fund, they may reborrow the same, and so from time to time.

Power to reborrow.

352. All money borrowed under this Act shall be appropriated to purposes for which it is authorized to be borrowed, and shall be expended exclusively on works or objects on which capital may properly be expended, and not in defraying the expenses of maintenance of any works or other ordinary current expenses of or connected with any work or establishment.

Application of money borrowed.

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

Saving for existing charges.

354. With respect to mortgages made under this Act, the following provisions shall have effect; (namely,)

Regulations as to mortgages.

(1.) Every mortgage shall be by deed under the corporate seal of the Corporation:

(2.) The mortgagees and their respective representatives and assigns shall, in proportion to the sums secured, be creditors on the property mortgaged to them respectively equally one with another, without preference by reason of priority of date or otherwise:

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.

- (3.) A register of the mortgages shall be kept by the town clerk, and within fourteen days after the date of each mortgage an entry of the number and date thereof, and of the names of the parties thereto, with their additions, shall be made in the register, which may be perused at all reasonable times by any person interested in any mortgage without payment.

Transfers of mortgages.

355. With respect to transfers of mortgages made under this Act, the following provisions shall take effect; namely,

- (1.) Any person entitled to a mortgage may transfer his interest therein to any other person by deed:
- (2.) Within thirty days after the date of every such deed of transfer it shall be produced to the town clerk, who shall cause an entry thereof to be made in a registry of transfers of mortgages on payment of a sum not exceeding five shillings, and after such entry every such transfer shall entitle the transferee, his representatives and assigns, to the full benefit of the original mortgage in all respects (including the power of transfer), and any person having made such a transfer shall not have power to release or discharge the mortgage transferred, or any money thereby secured.

Repayment of money borrowed on mortgage.

356. With respect to the repayment of money borrowed on mortgages made under this Act, the following provisions shall take effect; (namely,)

- (1.) The Corporation may, if they think proper, fix a period for such repayment, and in that case they shall cause such period to be inserted in the mortgage; and on the expiration thereof the principal sum, with the interest accrued thereon, shall, on demand, be paid to the person entitled to receive the same, and if a place of payment is not inserted in the deed the payment shall be made at the Town Hall:
- (2.) If a time is not fixed in the mortgage deed for such repayment, the person entitled to receive such money may, at any time after the expiration of twelve months from the date of such deed, demand payment of the principal money thereby secured, and interest, on giving six months previous notice for that purpose; and in the like case the Corporation may at any time pay off the money borrowed on giving the like notice, and every such notice shall be in writing or print, or partly in writing and partly in print, and if given by the Corporation shall be given personally

[32 & 33 VICT.] *The Wolverhampton Improvement* [Ch. cxxxi.]
Act, 1869.

to the person entitled as aforesaid, or left at his residence, or if he is unknown to the Corporation, or cannot be found after diligent inquiry, such notice shall be given by advertisement in the London Gazette :

A.D. 1869.

- (3.) If the Corporation give notice of their intention to pay off any mortgage at a time when the same may be lawfully paid off by them, then at the expiration of such notice all further interest shall cease to be payable thereon, unless on demand of payment made pursuant to such notice, or at any time thereafter, the Corporation fail to pay the principal and interest due at the expiration of notice :
- (4.) In order to discharge the principal money borrowed, or continued as a charge, or transferred under this Act (other than the sum of thirty thousand pounds to be borrowed for the purchase of lands for sewerage works and purposes connected therewith), the Corporation shall every year appropriate out of the improvement fund a sum equal to one fiftieth part of the amount originally borrowed on the security of that fund for a sinking fund, to be from time to time invested in the purchase of exchequer bills or other government securities, and to be increased by accumulation in the way of compound interest or otherwise, until the same is of sufficient amount to pay off the principal debts, or some part thereof which the Corporation think ought then to be paid off, at which time the same shall be so applied in paying off the same :
- (5.) Whenever the Corporation are able to pay off one or more of the mortgages payable, but are not able to pay off the whole of the same class, they shall decide by lot the order of payment among that class, and shall cause a notice, signed by the town clerk, to be given to the persons entitled to the money to be paid off according to such decision, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid, together with the interest due thereon, at a place to be specified at the expiration of six months from the date of such notice.

357. With respect to a receiver, the following provisions shall take effect; (namely,)

Power for mortgagees to obtain a receiver.

- (1.) If within thirty days after the interest accruing upon any mortgage made under this Act has become payable, and after demand thereof in writing the same is not paid, the

A.D. 1869.

mortgagee may (without prejudice to his right to sue for the same) require the appointment of a receiver :

(2.) If within six months after the principal money owing upon any such mortgage has become payable, and after demand thereof in writing the same is not paid, with all interest due in respect thereof, the mortgagee (without prejudice to his right to sue for such principal money and interest) may, if his debt amounts to one tenth of the whole amount for the time being due on mortgages made under this Act, alone, or if his debt does not amount to the said one tenth then in conjunction with other mortgagees whose debts being so in arrear after demand as aforesaid, together with his, amount to the said one tenth, require the appointment of a receiver :

(3.) Every application for such a receiver shall be made to two justices, who may, by order in writing, after hearing the parties, appoint some person to receive the whole or a competent part of the income producing the improvement fund until such interest, or until such principal and interest (as the case may be), with all costs (including the charges of receiving the income), be fully paid, and thenceforth all such income, or such part thereof as the justices order, shall be paid to the receiver so appointed, and the money so paid shall be so much money received to the use of the person on whose behalf the receiver is appointed; and after such interests and costs, or such principal, interest, and costs, have been fully paid, the powers of the receiver shall cease.

Accounts
open to
mortgagees.

358. The books of account of the Corporation shall be open at all reasonable times to the inspection of the mortgagees of the Corporation, with liberty to take extracts therefrom, without payment.

Power to
raise money
by annuities.

359. The Corporation may, if they think fit, raise all or any part of the money borrowed under this Act by granting annuities for lives, or for terms of years not exceeding fifty years, and for that purpose the Corporation may, by deed under their common seal, grant annuities accordingly.

Price of
annuities.

360. The price to be paid for any annuity under this Act shall not be less than the price payable at the time of the contract for the same for a like annuity from the Commissioners for the Reduction of the National Debt.

361. The provisions of this Act respecting the register, transfer, and register of transfers of mortgages shall apply to the register, transfer, and register of transfers of annuities under this Act.

A.D. 1869.
Register,
transfer,
&c. of
annuities.
Coupons for
interest on
mortgages.

362. The Corporation may from time to time, if they think fit, issue to holders of mortgages of the Corporation coupons for the interest from time to time to fall due on the respective mortgages, which coupons may be in such form as the Corporation from time to time think fit, so as every coupon do refer to the mortgage to which it relates, and do specify the amount and time of payment of one half year's interest to fall due on the principal money secured by the mortgage, and be authenticated by the signatures of two persons thereunto expressly authorized by the Corporation (which authorization shall be presumed until the contrary is shown).

363. On presentation to the treasurer of any such coupon the treasurer shall pay to the person so presenting the coupon the amount of interest thereon expressed, and appearing by the coupon to be then due and payable, and on the audit of the treasurer's accounts the coupon shall be accepted as a sufficient warrant for the payment by him of the amount for which the coupon was issued.

Payment of
coupons.

364. Provided that the treasurer shall not be bound, unless he sees fit, to make any payment of interest beyond the amount of the money of the Corporation then in his hands and applicable in that behalf.

For indem-
nity of
treasurer.

365. The Corporation may from time to time, when and as they think fit, exercise,—

Power to
Corporation
to arrange
with mort-
gagees and
annuitants.

With respect to all and every part of the money which by the former Acts relating to the Corporation and this Act, or any of them, they are authorized to borrow, and the interest thereon respectively; and

With respect to all and every part of the money from time to time so borrowed, and the interest thereon respectively; and

With respect to all and every of the grants of annuities, mortgages, and other charges and securities already or hereafter made or granted, and from time to time subsisting or having effect, by virtue of those Acts and this Act, or any of them; and

With respect to all and every of the principal money, interest, and annuities respectively secured by the grants, mortgages, charges, and securities, or any of them,

all or any of the powers following; (that is to say,)

A.D. 1869.

They may pay or discharge, either in whole or in part, any principal sum, whether payable then or thereafter, and secured by mortgage or other charge or security, by any one or more of the ways and means following :

They may redeem, satisfy, or discharge, in whole or in part, any annuity, whether for years, or for life or lives, or perpetual, secured by grant or other charge or security, by any one or more of the ways and means following; (that is to say,)

- (1.) By the immediate payment of a gross sum ;
- (2.) By the future payment of a gross sum, with or without interest thereon ;
- (3.) By securing by mortgage or other charge or security the payment of a gross sum, with or without interest thereon ;
- (4.) By granting an annuity, either for years, or for life or lives, or perpetual ;
- (5.) By securing by grant or other charge or security the payment of the annuity so granted :

And every such repayment, redemption, satisfaction, and discharge may be made on the terms and conditions and in the manner from time to time agreed on between the Corporation and the other person interested.

Consents to
arrange-
ments.

366. Provided that except as far as independently of this Act the Corporation are entitled to repay, redeem, satisfy, or discharge any principal sum, annuity, or other charge, or any part thereof respectively, they shall not exercise any of their powers under this Act of redeeming, satisfying, or discharging, either in whole or in part, any principal money, annuity, or other charge, except with the consent of the person entitled thereto.

Restriction
on redemp-
tion of
annuities.

367. Provided also, that the Corporation shall not under this Act pay for the redemption of the whole or any part of an annuity for life or lives more than the sum then by law payable for the grant by the Commissioners for the Reduction of the National Debt of a like annuity of like amount as the annuity or part thereof to be redeemed, or for the redemption of the whole or any part of an annuity for years, or a perpetual annuity, more than a proportionate part of the amount of the original purchase money for the annuity.

XXII.—BYELAWS.

A.D. 1869.

368. With respect to byelaws to be made by the Corporation under this Act, the following provisions shall take effect; (namely,) Regulations
as to bye-
laws.

(1.) Nothing in this Act shall authorize the Corporation to make any byelaw repugnant to law or to this Act:

(2.) All byelaws shall be reduced into writing, and be under the common seal of the Corporation:

(3.) The Corporation may by any byelaw impose penalties for offences against the same, not exceeding, in respect of any offence, five pounds, so that all byelaws be so framed as to allow of part only of the maximum penalty being inflicted:

(4.) Penalties under byelaws shall be recoverable as penalties under this Act are recoverable:

(5.) Any byelaw shall not take effect until it is allowed by one of Her Majesty's Principal Secretaries of State, (who may allow or disallow the same, as he thinks proper,) and any such byelaw shall not be allowed unless notice or intention to apply for allowance of the same is given by placards posted in some public places and at every passenger railway station within the borough not less than one month before the making of such application, and for one month at least before such application a copy of the proposed byelaw shall be kept at the Town Hall, and be open during office hours thereat to the inspection of the ratepayers of the borough without payment, and the town clerk shall furnish a copy thereof, or of any part thereof, to every ratepayer applying for the same, on payment of sixpence for every hundred words in such copy, or if the proposed byelaw has been printed by the Corporation, then at such reasonable price, not exceeding twopence for each copy, as the Corporation direct:

(6.) All byelaws, when allowed, shall be printed, with the date at which they are made, and the town clerk shall keep a printed copy thereof at the Town Hall, and all persons may at all reasonable times inspect such copy without payment, and the Corporation shall cause to be delivered a printed copy, signed by the town clerk, of all byelaws for the time being in force to every person applying for the same, on payment by him of any sum not exceeding one shilling and sixpence for every such copy, and a

A.D. 1869.

printed copy, signed by the town clerk, of the byelaws for the time being in force relative to any particular subject to every person applying for the same, on payment by him of any sum not exceeding threepence for every such copy :

- (7.) Proper extracts from the byelaws, painted or placed on boards, may be set up and kept exhibited in places to which such extracts relate, or in such conspicuous or suitable places as the Corporation think fit :
- (8.) A printed copy of byelaws dated and purporting to be allowed as aforesaid, and to be signed by the town clerk, shall be *primâ facie* evidence of the existence and of the due making and allowance of such byelaws, without proof of the signature of the town clerk.

Existing
byelaws con-
tinued for a
time.

369. Any byelaws made under any enactment repealed by this Act shall remain in force for six months after the commencement of this Act, if not sooner repealed by any byelaw made under this Act, but no longer.

XXIII.—SETTLEMENT OF DISPUTES ; ARBITRATION.

Settlement of
disputes as
to compensa-
tion, &c.

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

distress and sale of the goods and chattels of such person, and such justices, or either of them, or any other justice, may issue his warrant accordingly, or the amount may be recovered in any court of competent jurisdiction. A.D. 1869.

371. Except as expressly otherwise provided in this Act, sections twenty-five to thirty-seven inclusive of the Lands Clauses Consolidation Act, 1845, shall apply for the determination of any question directed by this Act to be determined by arbitration. Mode of arbitration.

XXIV.—QUARTER SESSIONS.

372. In any of the following cases; (namely,)

(1.) Where on any summary conviction or adjudication under this Act in respect of any offence punishable by pecuniary penalty or by imprisonment the penalty adjudged to be paid (inclusive of any costs) exceeds three pounds, or the term of imprisonment adjudged exceeds one month, or the conviction or adjudication is had before or made by one justice only;

(2.) Where any adjudication under this Act other than such an adjudication as aforesaid, or any order or determination under this Act, is made by any justice or justices, or any order or determination is made by the Council;

(3.) Where any rate is made by the Council, but in cases where application for relief is authorized to be made to the Council, then only after such application:

Appeal in cases of summary conviction against orders of justices or against rates, &c.

any person who thinks himself aggrieved by such conviction, adjudication, order, or determination, or by any rate or anything included in or omitted from any rate, may appeal to the next court of quarter sessions holden not less than twenty-one days after the day whereon such conviction, adjudication, order, determination, or rate is made, subject and according to the following provisions; (that is to say,)

(1.) Within seven days after the last-mentioned day, and twelve clear days at least before such sessions, the appellant may give notice in writing of the appeal and of the matter and ground thereof to the complainant or the party in whose favour the adjudication, order, or determination is made, or whose interest is immediately affected thereby (as the case may be), and also in case of an appeal against a rate to the Council;

A.D. 1869.

- (2.) Within three days after giving such notice the appellant may enter into a recognizance, with two sufficient sureties, before a justice, in such sum as the justice thinks fit, conditioned to try the appeal, and abide the judgment of the court thereon, and pay any costs awarded by the court, and, in case he is in custody, to appear personally at the sessions; or
- (3.) Where the appeal is against a conviction imposing only a pecuniary penalty, or against an adjudication for the payment of money, the appellant may deposit with the clerk of the justice before or by whom the conviction or adjudication is had or made such sum of money as the justice thinks sufficient to cover the amount of the penalty or money adjudged to be paid, with the costs of the conviction or adjudication of the appeal;
- (4.) On such notice being given, and such recognizance being entered into, or such deposit being made, the appellant shall be liberated, if in custody;
- (5.) The court of quarter sessions, on proof of such notice and recognizance or deposit, shall in a summary way hear and determine the appeal, or else shall (if they think fit) adjourn the hearing thereof to a subsequent session;
- (6.) The court, by their order on the appeal, may affirm or quash the conviction, adjudication, order, or determination appealed against, or may mitigate any forfeiture or penalty, or may order any money paid or levied to be returned, or may dismiss the appeal, or make such other order therein, with or without costs, to either party, as seems just, and may (if necessary) issue process for enforcing their judgment;
- (7.) Where any such deposit as aforesaid is made, and the conviction or adjudication is affirmed, or the appeal is dismissed, the court may order the amount of the penalty or other money adjudged to be paid, together with the costs of the conviction or adjudication, and of the appeal, to be paid out of the deposit, and the residue thereof, if any, to be returned to the appellant, and in any other case shall order the deposit to be returned to the appellant;
- (8.) Where on appeal a conviction is quashed, the proper officer shall forthwith endorse on the conviction a memorandum that it has been so quashed; and wherever any copy or certificate of such conviction is made a copy of the memo-

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. — enforcing payment of sums of money ordered or awarded to be paid by justices, and the costs of such proceedings, shall be applied and put in force in relation to the penalties by this Act imposed.

Punishment of abettors, &c.

375. Where the doing of any act or thing is made punishable by this Act, or by any byelaw thereunder, the causing, procuring, aiding, abetting, or wilfully permitting or suffering 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 this Act.

Penalties on repetition of offences.

376. Where by this Act any pecuniary penalty or other punishment is imposed in respect of any offence described in this Act, 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.

377. If any person charged with any offence against this Act, or any byelaw thereunder, 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 such necessary proceedings may be had and carried on against him by such name only.

Evidence of previous conviction.

378. The justice before whom any person is convicted of any offence 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.

Damages and charges in cases of dispute to be settled by justices.

379. Where any damages or charges are directed or authorized to be paid or recovered, in addition to any penalty for any offence in this Act mentioned, the amount of such damages or charges, in case of dispute respecting the same, may be settled and determined by the justice before whom any offender is convicted, and may be levied by distress.

Saving for indictments, &c.

380. 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. A.D. 1869.

381. Where under the provisions of this Act any money is, in default of payment thereof by the owner of any building or lands, recoverable from the occupier thereof, the occupier shall be liable from time to time to the extent of the amount of the rent for the time being due from him to such owner, or of the proportion of rent in respect of any current period (the burden of proving which amount shall be on the occupier), but only as from the service on the occupier of a demand of payment of rent to the Corporation, and notice not to pay the same to the owner; and every such occupier shall be entitled to deduct any money paid by him (together with all costs, charges, and expenses incurred by him in respect of the payment thereof to the Corporation, or in respect of the recovery thereof by the Corporation,) out of the rent due or becoming due from him to such owner. Extent to which occupier liable in default of owner.

382. With respect to distress, the following provisions shall have effect; (namely,) Regulation as to distress.

- (1.) Any number of names and sums may be included in any warrant of distress obtained by the Corporation for any of the purposes of this Act, and may be stated either in the body of the warrant or in a schedule thereto, and may be for a balance remaining unpaid or for an agreed instalment due:
- (2.) Any justice who issues a warrant of distress may order that the costs of the proceedings for the recovery of the sum or sums for which the distress is ordered be paid by the person or persons liable to pay such sum or sums, and such costs shall be ascertained, and where there are more persons than one shall be apportioned by the justice, and shall be included in the warrant of distress for the recovery of such sum or sums:
- (3.) Every constable shall, upon being required by a collector or other officer of the Corporation, aid in making a distress or sale pursuant to any such warrant, and in default of so doing shall be liable to a penalty not exceeding five pounds:
- (4.) Any distress under this Act shall not be deemed unlawful, nor shall the party making the same be deemed a trespasser, on the ground of any defect or want of form in the

A.D. 1869.

summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser ab initio on account of any subsequent irregularity in the prosecuting of such distress.

Power to order prosecutions, &c.

383. The Corporation may direct any prosecution or proceeding against any person for any offence against this Act, or any matter arising under this Act.

Application of penalties in certain cases.

384. Nothing in this Act shall alter the application of penalties or forfeitures to the police superannuation fund as provided by the Act of the session of the twenty-second and twenty-third years of Her Majesty, chapter thirty-two, or of fines and penalties made payable to Her Majesty.

Application of penalties inflicted on Corporation.

385. Where any penalty or forfeiture is inflicted on the Corporation, the amount thereof shall (except where otherwise provided or ordered by the justice or justices before whom the same is recovered) be paid to the overseers of the poor of the township of Wolverhampton, to be applied in aid of the poor rate of that township.

Proceedings not to be quashed for want of form or removal by certiorari.

386. Any order, verdict, rate, assessment, judgment, conviction, or any proceeding touching or concerning any offence against this Act, or against any byelaw thereunder, shall not be quashed or vacated for want of form only, or be removable by certiorari or otherwise into any of the superior courts.

Validity of warrants of commitment.

387. A warrant of commitment on any conviction shall not be held void by reason of any defect therein, if it is therein alleged that the person therein named has been convicted, and there is a good conviction to sustain the same.

Justices, &c. not disqualified from acting.

388. Except as expressly otherwise provided, any person shall not be disqualified or disabled to act as justice of the peace, coroner, juror, or otherwise in any matter arising under or in relation to this Act by reason of his being a ratepayer in the borough, or liable to any payments under this Act, or a member of the Council or of any committee thereof.

Elections of auditors and assessors.

389. Sections five, six, seven, and eight of the Municipal Corporation Act, 1859, shall extend and apply to the election of any auditor or auditors, assessor or assessors, for the borough or any ward thereof, as if auditors and assessors had been mentioned in those sections as well as councillors, and notices and nomination papers issued and used under those sections in relation to elections of

auditors or assessors shall be altered so as to refer to auditors or assessors (as the case requires) instead of to councillors. A.D. 1869.

390. The Council may, if they think fit, pay to each of the elective auditors of the borough, out of the borough fund, such reasonable remuneration, not being less than two guineas for each day in which he is employed in the audit of the municipal accounts, as the Council from time to time appoint. Payment of
elective
auditors.

391. Any person entering into any contract with the Corporation for a supply to him of water, or for any work to be done for, or meter or apparatus to be furnished to, him for the purposes of such supply, or for a water meter, or for a sale or lease of lands, or a loan of money to the Corporation, shall not thereby be disabled from being, continuing, or acting as mayor, alderman, or councillor of the borough, or as an officer or servant of the Corporation, or incur any penalty by reason of such contract, or of his being, continuing, or acting as such mayor, alderman, councillor, officer, or servant, but the mayor or any alderman or councillor concerned by himself or any partner in any such contract shall not take any part in any vote, proceeding, or discussion in the Council relative thereto. Persons
entering into
contracts
with Corpo-
ration not
disqualified
as members
of Corpora-
tion.

392. Until the contrary is proved, every meeting of the Council or of any committee of the Council shall be deemed to have been duly convened and held, and all members attending such meeting shall be deemed to have been duly qualified. Validity of
meetings of
Council, &c.

393. All the officers and servants of the Corporation in office at the commencement of this Act, and employed in the execution of any Act which this Act repeals or makes to cease to apply to the borough, shall continue to be the officers and servants of the Corporation according to the nature and tenure of their appointments and employments respectively, and the Corporation may from time to time appoint such officers and servants for the execution of this Act, and take such security for the performance of their duties, as the Corporation think proper, (including, if the Corporation think fit, in lieu of or in addition to any other security, the security of any guarantee society established by charter or Act of Parliament, with power to the Corporation, if they think fit, to pay any premium or other money requisite for keeping up any such security,) and the Corporation may from time to time, subject to the nature and tenure of their respective appointments and employments, remove or suspend any of them as the Corporation see occasion, and pay and make such salaries, wages, and other allowances to them, and to any person assisting the Corporation in the execution of this Act, as the Corporation deem Continuance
of and
power to
appoint
officers and
servants.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. — reasonable, and, mutatis mutandis, all such officers and servants shall be accountable to the Corporation, and the Corporation shall have the like remedies against them in relation to accounts, vouchers, bills, payments, books, papers, and writings as if they had been appointed by virtue and for the purposes of the Municipal Corporation Acts.

Penalty on officer or servant taking unauthorized fees.

394. If any such officer or servant demands or takes on account of anything done by virtue of his office, or for forbearing to do anything that ought to be so done, or on any other account relative to his duty, any fee or reward whatsoever other than the salary or allowances allowed by the Corporation, or is in anywise concerned or interested in any bargain or contract made by the Corporation, he shall be liable to a penalty not exceeding fifty pounds, and shall from and after conviction be incapable of being employed by the Corporation in any capacity.

Accounts of receipts, &c.

395. The provisions of the Municipal Corporation Acts relative to the keeping of accounts, and to the accounts kept of sums of money received and paid under those Acts, and to the auditing thereof, shall extend and apply to the keeping of accounts, and to the accounts kept of sums of money received and paid under this Act, and to the auditing thereof.

Power to contract for works.

396. The Corporation from time to time may contract with any person for performing or doing any of the works or things by this Act authorized, and all such contracts shall be in writing, sealed with the common seal of the Corporation, and signed by the person contracting, and shall specify the works and things so to be done, and the prices at and the times within which they are to be done, and the Corporation may take such bond or other security from every contractor for the due performance of his contract as they think sufficient.

Power to compound with contractors.

397. The Corporation may from time to time compound with any person having entered into any contract with the Corporation under this Act for any penalty contained in such contract, or in any bond or other security for the performance thereof, or on account of any breach or nonperformance of such contract, bond, or security, for such sum of money or other recompence as the Corporation think proper.

Penalty for obstructing persons employed in

398. If any person obstructs, assaults, hinders, or molests any member of the Council, or any officer or servant of the Corporation acting under this Act or any byelaw thereunder, in the execution of

[32 & 33 VICT.] *The Wolverhampton Improvement* [Ch. cxxxi.]
Act, 1869.

his duty, or in the execution of any of the powers, authorities, works, matters, or things to be exercised or done under this Act or any such byelaw, he shall be liable to a penalty not exceeding five pounds. A.D. 1869.
execution of
Act.

399. If any person destroys, pulls down, injures, or defaces any placard or notice issued and put up by or under the direction of the Corporation, or any notice of the position of a fireplug, or any board provided by the Corporation on which any byelaw or part of a byelaw of the Corporation is painted or placed, he shall be liable to a penalty not exceeding five pounds. Penalty on
pulling down
notice
boards.

400. If any street or other property belonging to the Corporation is injured by or in consequence of any mining works, whether in operation or abandoned, the Corporation may repair or replace the street or other property injured; and all damages and expenses of or arising from such injury and such repair or replacement shall be paid to the Corporation by the lessee or tenant, or other person in possession of the mine or works if the same are in operation, or by the owner thereof if the same are abandoned, and may be recovered by the Corporation in any court of competent jurisdiction. Damage by
mining
works.

401. If, on request made on behalf of the Corporation, the occupier of any property refuses or wilfully omits to disclose or wilfully misstates the name of the owner of such property, any justice may summon such occupier to appear at the time and place mentioned in such summons before such justice, or before some other justice, and if such occupier refuses or neglects to attend at the time and place mentioned in the summons, or if he attends and does not show good cause or excuse to the justice for his refusal, omission, or misstatement, such justice may, on proof (in case of the neglect or refusal to attend as aforesaid) of the due service of the summons, or on such attendance, impose a penalty upon such occupier not exceeding five pounds. Penalty on
occupier re-
fusing to
give name of
owner.

402. Any notice, order, resolution, declaration, requisition, consent, demand, or other instrument 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, or of the surveyor or other proper officer, according to the subject of the particular document, being affixed thereto in print or writing on behalf of the Corporation; and it shall be sufficient in all cases where any such notice, order, resolution, declaration, requisition, Form and
service of
notices, &c.
by Corpora-
tion.

A.D. 1869. consent, demand, or other instrument is required to be given to or served upon the owner or occupier of any property to address such notice, order, resolution, declaration, requisition, consent, demand, or other instrument to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which the notice, order, resolution, declaration, requisition, consent, demand, or other instrument is given or served, without further name or description; and any such notice, order, resolution, declaration, requisition, consent, demand, or other instrument may be addressed to owners or occupiers of any number of adjoining or neighbouring houses or buildings collectively; and any notice, order, resolution, declaration, requisition, consent, demand, or other instrument so addressed as last aforesaid 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 houses or buildings concerned), and any such notice, order, resolution, declaration, requisition, consent, demand, or other instrument may be served upon any owner, occupier, or other person, either personally or by sending the same through the post in a registered letter addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate at his last known or usual place of abode or business, or, in case of an occupier, to any inmate of the building in respect of which such notice, order, resolution, declaration, requisition, consent, demand, or instrument is given or served; or if the building is unoccupied, and the place of abode of the person to be served is after diligent inquiry unknown, it shall be sufficient to affix such notice, order, resolution, declaration, requisition, consent, demand, or instrument, or a copy thereof, upon some conspicuous part of such building.

Service of
notice on
Corporation.

403. Any notice to or demand on the Corporation under 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.

404. Where by this Act it is required that any notice or other instrument be left at the office of the town clerk or surveyor, the same shall be left there within the usual office hours observed thereat; and in the absence of express provision in this Act the Corporation may from time to time, by byelaw, direct the delivery of notices and other instruments required by this Act to particular

[32 & 33 VICT.] *The Wolverhampton Improvement* [Ch. cxxxi.]
Act, 1869.

officers of the Corporation, and appoint the times and places of such delivery. A.D. 1869.

405. All plans and other documents which in pursuance of this Act, or of any byelaw made thereunder, are left at the office of the Corporation, or delivered to any officer of the Corporation, shall become and be the property of the Corporation. Plans to be property of Corporation.

406. In case of the death of any officer or servant of the Corporation, or of his becoming bankrupt before he has delivered up all books, papers, writings, and other things concerning his office or employment, or relating to the execution of this Act, no interest whatever in such books, papers, writings, and things, or any of them, shall pass to or vest in his representatives or assignees, as the case may be. Books and papers of Corporation on death of officers, &c.

407. If any person against whom the Corporation have any claim or demand becomes bankrupt, the town clerk, in all proceedings in relation to the estate of such bankrupt, may represent the Corporation and act in their behalf in all respects as if such claim or demand had been the claim or demand of the town clerk, and not of the Corporation. Proof of debt in bankruptcy.

408. A plaintiff shall not recover in any action to be commenced against the Corporation, or any officer of the Corporation, or other person aiding or assisting them or him, for anything done or intended to be done in pursuance or under the authority of this Act, if tender of sufficient amends has been made to him or to his attorney by or on behalf of the defendant before the commencing of such action; and in case no such tender has been made, the defendant in any such action may, by leave of the court, after action brought at any time before issue joined, pay into court such sum of money as he thinks fit, whereupon such proceeding, order, and judgment shall be had, made, and given in and by such court as in actions where the defendant is allowed to pay money into court. Plaintiff not to recover without notice, or after tender of amends.

409. The forms given in the eighth schedule to this Act may be used for or in respect of the purposes therein indicated, with such variations and additions as circumstances may require. Forms in schedule authorized.

410. Notwithstanding any repeal or other thing in this Act contained,— Savings from effect of repeals, &c.

- (1.) The Corporation shall continue and be seised, possessed of, and entitled to all rights, interests, and property of or to which they are at the commencement of this Act seised, possessed, or entitled, as if this Act had not been passed;

[Ch. cxxxii.] *The Wolverhampton Improvement* [32 & 33 Vict.]
Act, 1869.

A.D. 1869.

- (2.) All acts, works, matters, and things before the commencement of this Act done or commenced under the powers and authorities of the Acts by this Act wholly or partially repealed, or made to cease to apply to the borough, or any of them, or under any other Act or authority, and which are at the commencement of this Act good, valid, and available or in progress, and all conveyances, leases, mortgages, bonds, covenants, deeds, instruments, contracts, agreements, obligations, rights, and remedies at the commencement of this Act existing under the same, shall be and continue as good, valid, and available for all purposes, and for and against all parties, and may be continued and completed, as if this Act had not been passed;
- (3.) All actions, suits, prosecutions, or other proceedings by or against the Corporation by reason of any matter or thing done before the commencement of this Act in execution of or in relation to the said Acts, or any of them, or the said resolution, may be continued, commenced, or prosecuted by or against the Corporation as if this Act had not been passed;
- (4.) All mortgages and other securities granted under any Act repealed by this Act may be transferred as if this Act had not been passed, and the form of transfer given in the eighth schedule to this Act may be used for that purpose, with such variations as circumstances may require;
- (5.) All rates and rents at the commencement of this Act due or accruing due to the Corporation may from and after the commencement of this Act be collected and recovered by the Corporation as if this Act had not been passed;
- (6.) All books and documents shall be receivable in evidence as if this Act had not been passed:

And any repeal by this Act of any enactment shall not affect the past operation of the enactment repealed, or any right, title, obligation, or liability acquired or accrued thereunder before the commencement of this Act.

Saving for
general
rights and
remedies of
Corporation.

411. Nothing in this Act shall take away or abridge any right, power, authority, privilege, exemption, or benefit which the Corporation have or may enjoy under the Municipal Corporation Acts, or otherwise, independently of this Act, or which the Corporation would have had or enjoyed under section one hundred and fifty-one of the Public Health Act, 1848, if the Corporation by the Council had continued to be the local board of health for the borough.

412. Except only as is by this Act expressly provided, this Act or anything herein contained shall not take away, lessen, or prejudicially affect any of the estates, rights, interests, powers, and privileges of any railway or canal company having a railway station, office, or works within the borough.

A.D. 1869.

Saving rights of railway and canal companies.

413. Except as otherwise provided in this Act, or in any agreement confirmed by this Act, nothing in this Act contained shall extend to authorize the Corporation to take or enter upon any of the lands or grounds belonging to the London and North-western Railway Company, or the Great Western Railway Company, or the Wolverhampton and Walsall Railway Company, or the Staffordshire and Worcestershire Canal Company, or the Company of Proprietors of the Birmingham Canal Navigations, or to alter, vary, use, or interfere with the railway or canal of any of those companies, or any of the works thereof; or to restrict, obstruct, or interfere with the rights, privileges, easements, or advantages now lawfully used and exercised by any of them, whether under the authority of Parliament or otherwise, without the consent of the respective company in writing under its common seal for that purpose first obtained; save that the Corporation may lay their water mains and pipes under or over any such railway or canal at such places where the railway or canal is carried by a bridge over any public road or street, or the public road or street is or may be carried over the railway or canal by a bridge; and all works whatsoever in any way affecting the railway, canal works, or property of any of the said railway or canal companies shall, except in cases of emergency, be executed to the reasonable satisfaction of the engineer for the time being of the respective company, and only according to plans and sections previously approved in writing by such engineer (such approval not to be unreasonably withheld), and in all things at the expense of the Corporation, and so as to cause no interruption to the passage or conduct of traffic over or on the railway or canal of the respective company.

Provisions as to lands of railway and canal companies.

414. If any difference arises between the Corporation and any railway or canal company respecting the construction or effect of any provision in this Act relating to any such company specifically, or to such companies generally, or respecting anything done or to be done under any of those provisions by or to the Corporation, or any of their officers or servants, to or by any such company, or any of their officers or servants, every such difference shall be determined by arbitration, in accordance with the provisions of the Railway Companies Arbitration Act, 1859, as if the Corporation and any

Arbitration with companies.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. canal company were a railway company; and this provision shall be deemed to be an agreement for reference in accordance with that Act.

Copies of Act as printed by Queen's printers, with index, to be kept and sold.

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

Expenses of Act.

416. 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 borne by the Corporation, and shall be paid by them out of the borough fund and improvement fund in equal shares.

The SCHEDULES to which the foregoing Act refers.

A.D. 1869.

THE FIRST SCHEDULE.

(A.) POSITION of CORPORATION by COUNCIL as LOCAL BOARD of HEALTH on 31st day of August 1868, with respect to incumbrances and sinking fund and borrowing powers.

I.—*Incumbrances.*

1. Borrowed on mortgage of general district rates, under Improvement Act of 1853, sec. 59 (authorizing borrowing to extent of 50,000*l.*), to pay off mortgages created by the Town Commissioners under Act of 54 Geo. III. cap. 106.,

	£18,600	0	0
Of which there has been paid off	-	8,625	0 0
Leaving due	-	-	£9,975 0 0

2. Borrowed under same power for purchase of market house and market rights. Principal and interest repayable by way of terminable annuities during 30 years

	£10,500	0	0
Of which there has been paid off	-	1,742	12 10
Leaving due	-	-	£8,757 7 2

3. Borrowed under same power to pay off mortgage debts falling due, to part pay market proprietors, and for erection of fat pig market; for part purchase of Town Hall premises and property adjoining thereto, and to defray cost of covering and improving Market Hall. Principal and interest repayable by way of terminable annuities during 30 years

	£20,300	0	0
Of which there has been paid off	-	2,917	13 3
Leaving due	-	-	£17,382 6 9

4. Borrowed on mortgage of general district rates, for 10 years, under Public Health and Local Government Acts, at interest at 5 per cent. per annum, to pay for purchase of land to form School Street

	£1,000	0	0
The whole of which remains due	-	-	£1,000 0 0

5. Borrowed under same power for like purposes as loan No. 3. Principal and interest repayable by way of terminable annuities during 24 years

	£13,700	0	0
Of which there has been paid off	-	2,939	14 2
Leaving due	-	-	£10,760 5 10

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 Vict.]
Act, 1869.

A.D. 1869.

6. Borrowed under same power, to purchase land and premises in Commercial Road for a town wharf. Principal and interest repayable by way of terminable annuities during 30 years - - - - £2,000 0 0
Of which there has been paid off - - - - 287 9 3
Leaving due - - - - £1,712 10 9

7. Borrowed under same power, to pay balance on purchase of Town Hall premises and Miss Mitton's property. Principal and interest repayable by way of terminable annuities during 28 years - - - - £2,907 8 8
Of which there has been paid off - - - - 475 7 9
Leaving due - - - - £2,432 0 11

8. Borrowed under same power, to purchase land and property to form Skinner Street. Principal and interest repayable by way of terminable annuities during 30 years £1,550 0 0
Of which there has been paid off - - - - 158 13 9
Leaving due - - - - £1,391 6 3

9. Borrowed under same power, for works of sewerage. Principal and interest repayable by way of terminable annuities during 30 years - - - - £37,000 0 0
The whole of which remains due - - - - £37,000 0 0

10. Borrowed under same power, for like purposes. Principal and interest payable in like manner - £3,000 0 0
The whole of which remains due - - - - £3,000 0 0

II.—*Sinking Fund.*

Sinking fund created under Local Government Act, 1858, for redemption of mortgage No. 4, and remaining unapplied - £197 6 11

III.—*Borrowing Powers.*

1. Under Improvement Act of 1853, sec. 59, power to borrow for purchase of markets, &c., and for any purposes of that Act on general district fund and rates - £50,000 0 0
Borrowed (mortgages Nos. 1, 2, and 3) - - - - £49,400 0 0
Repaid - - - - 13,285 6 1
Balance of loans due - - - - £36,114 13 11
Unexhausted borrowing power under Improvement Act - £13,885 6 1

2. Under Local Government Act, 1858, sec. 57, power to borrow for purposes of that or any incorporated Act amount not exceeding assessable value for one year of premises assessable within borough, which on 31st August 1868 was £190,555 0 0
Borrowed (mortgages Nos. 4, 5, 6, 7, 8, 9, and 10) - £61,157 8 8
Repaid - - - - 3,861 4 11
Balance of loans due - - - - £57,296 3 9
Unexhausted borrowing power under sec. 57 of Local Government Act, 1858 - - - - £133,258 16 3

[32 & 33 Vict.] *The Wolverhampton Improvement* [Ch. cxxxii.]
Act, 1869.

3. Under Local Government Act, 1858, sec. 78, extended power to borrow for works of sewerage and water supply, on general district fund and rates, amount not exceeding two years assessable value, which on 31st August 1868 was

A.D. 1869.

£381,110 0 0	
Unexhausted borrowing power, under sec. 78 of Local Government Act, 1858, no money having been raised under this power	£381,110 0 0

(B.) POSITION of CORPORATION under MUNICIPAL CORPORATION ACTS on 31st day of August 1868, with respect to incumbrances, &c.

Borrowed on mortgage of borough fund and rates, under Municipal Corporation Mortgages, &c. Act, 1860, (authorizing borrowing with consent of Commissioners of Treasury to extent not limited,) for purchase of Higgs's property for Town Hall. Principal and interest at 5 per cent., repayable by way of terminable annuities during 30 years

- £3,800 0 0	
The whole remains due	£3,800 0 0

THE SECOND SCHEDULE.

PART I.—ACTS REPEALED.

13 & 14 Vict. c. cv.—An Act to give effect to certain securities upon the rates authorized to be levied under the Wolverhampton Improvement Act.

The Public Health Supplemental Act, 1850, No. 2, as far as it relates to the borough.

16 & 17 Vict. c. xxviii.—The Wolverhampton Improvement Act, 1853.

PART II.—ACTS TO CEASE TO APPLY TO BOROUGH.

The Public Health Act, 1848.

The Public Health Supplemental Act, 1849.

The First Public Health Supplemental Act, 1852.

The Local Government Act, 1858.

23 & 24 Vict. c. 64.—An Act to make further provision for the expenses of local boards of health and improvement commissioners acting as burial boards.

Local Government Act (1858) Amendment Act, 1861.

The Local Government Act Amendment Act, 1863.

The Sewage Utilization Act, 1865.

The Sewage Utilization Act, 1867.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.

THE THIRD SCHEDULE.

PARTS of WATER ACTS affecting CORPORATION.

8 and 9 Victoria, cap. 135. (Local.)

Steam engines
to consume
their own
smoke.

Section XXI. And be it enacted, that any steam engines to be erected, set up, or used at the works of the said company shall be constructed on the principle of consuming and burning the smoke arising therefrom, so as to prevent the same occasioning any nuisance whatever, and in default of the company so constructing such steam engines they shall forfeit and pay for every such neglect or default the sum of twenty pounds, to be recovered by action of debt or on the case in any of Her Majesty's courts of record at Westminster.

For the protec-
tion of the
Wolver-
hampton Gas-
light Com-
pany.

Section XXII. And be it enacted, that if in carrying into execution any of the powers by this Act granted, any injury or damage shall be done or committed to any of the pipes, branches, apparatus, materials, or things already laid down by the Wolverhampton Gaslight Company for the purpose of supplying with gas the said town of Wolverhampton, or of any part thereof, either by removing or disturbing the ground or the soil whereon the same is or are placed, or by the compression or subsequent settling or lowering of the same at any time afterwards, the said waterworks company shall at their own expense, costs, and charges, within twenty-four hours next after notice in writing given to them by the said gaslight company, or their clerk or agent, take measures and diligently prosecute the same to cause such pipes, branches, apparatus, materials, and things to be well and effectually repaired and amended, and in default or neglect thereof it shall be lawful for the said gaslight company and they are hereby authorized and empowered to cause such pipes, branches, apparatus, materials, and things so injured or damaged as aforesaid to be effectually repaired, amended, and made good, and the reasonable costs, charges, damages, and expenses attending the same shall be paid and defrayed by the said waterworks company or their treasurer, the same having been ascertained and settled, in case of dispute concerning the same, by some justice of the peace acting for the said county of Stafford, which determination shall be final and conclusive, and such damages and expenses, together with such costs and charges as shall be by such justice allowed, shall be levied and recovered as damages under this Act not specially provided for are directed to be levied and recovered.

Provision in
case of water
of adjoining
proprietors
being di-
minished.

Section XXIII. And whereas the messuages, buildings, and lands within the circle of one thousand yards from the site of the intended shaft of the intended works, as shown on the plan deposited with the clerk of the peace for the county of Stafford, are so contiguous to the works proposed to be executed under the powers of this Act that it is apprehended the wells and springs attached and belonging to such messuages, buildings, and lands, and from which the proprietors and occupiers thereof are now supplied with water for all purposes, may be wholly or partially drained by the works of the company: Be it therefore enacted, that in case the water in any of the said wells or springs by means of which the said messuages, buildings, and lands are, shall be, or but for the works of the company would be supplied with water, shall at any time or times after the sinking, boring, pumping, or other workings of the company shall

A.D. 1869.

have been commenced, be so depressed or lowered as not to afford an ample supply of water for all purposes to the said messuages, buildings, and lands to as full an extent as the same respectively have heretofore been supplied, or but for such depression would be supplied, the said company shall forthwith at their expense, either by sinking or boring such wells a greater depth (as the said company shall determine on), restore to the proprietors or occupiers of the said messuages, buildings, and lands a supply of water to as ample an extent as the said spring and wells afforded before the commencement of the said works, or but for such depression would be so supplied, or otherwise the said company shall at their expense lay and thereafter maintain sufficient and proper service pipes from their said works into the wells situate at and belonging to the said messuages, buildings, and lands, or such of them as shall not have such an ample supply of water as aforesaid, and shall and will at all times thenceforth give to such proprietors or occupiers respectively as shall require the same, and convey to their wells situate at or belonging to the said messuages, buildings, and lands, a full and free supply for all purposes of pure water from the works of the company without cost or expense, and that no rate or sum shall be payable in respect of the water so supplied, and that if the company shall neglect or refuse to restore such supply of water as aforesaid, or in default thereof to lay down or to maintain such pipes as aforesaid, and to give a full supply of water to such wells as aforesaid, the company shall in each case of such neglect or refusal pay to the person, whether proprietor or occupier, to whom or in respect of whose wells such water shall not be supplied the sum of one pound in respect of every day during which such water shall not be supplied, and the amount of such damages shall be recoverable in manner prescribed in the said Companies Clauses Consolidation Act with respect to the recovery of damages not specially provided for: Provided always, that the payment of such damages shall not prejudice the rights or powers conferred on such proprietors or occupiers by this Act to require the company to restore or supply such water, or deprive such proprietor or occupier of any other rights or powers to which they are or may be entitled by this Act, or otherwise; provided also, that nothing in this Act shall restrict, or be construed or deemed to restrict, the right of any of the proprietors or occupiers for the time being of the said messuages, buildings, and lands to sink their present wells deeper, or to bore for water, or sink new wells for the private use of any new houses and other buildings on any lands belonging to them respectively within the aforesaid circle, and draw water from the same respectively for all purposes; provided also, that if any difference shall arise between the company and any of the proprietors or occupiers of the said messuages, buildings, and lands respecting any of the matters aforesaid, such difference shall be referred to and settled by arbitration in the manner prescribed by the Companies Clauses Consolidation Act, 1845.

Section XXIV. And inasmuch as it is considered by the Company of Proprietors of the Staffordshire and Worcestershire Canal Navigation, and by the Right Honourable John Lord Wrottesley, the owner of certain mills called Pirton Mill, Furnace Grange Mill, Leisdon Mill, Trysul Mill, and Heath Forge Mill, and by Thomas Hooke Pearson, Esquire, the owner of Compton Mill, which are supplied with water from the brook called Tettenhall Brook, that the waters of the said canal and brook within two miles of the site of the said proposed

For protecting
the Stafford-
shire and
Worcestershire
Canal Com-
pany, &c.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.

waterworks may be injuriously arrested, abstracted, and caused to flow through the strata and subsoil towards the said proposed waterworks at Tettenhall, and be there drawn off, diverted, and used by the said waterworks company, their agents or servants, in the operations of excavating, sinking, boring, tunnelling, and pumping for the purposes of the said works: Be it enacted, that it shall not be lawful for the said company hereby established to excavate, sink, bore, tunnel, or pump, or to carry on any works whatever, at a greater depth than eighteen feet below the top-water level of the said canal at or near to Tettenhall Bridge, and that it shall be lawful for the said Company of Proprietors of the Staffordshire and Worcester Canal Navigation, their engineers, agents, or servants, and for the said John Lord Wrottesley and Thomas Hooke Pearson, and other the owner or owners for the time being of the said brook, and for the owner or owners for the time being of the said mills, and for the agents or servants of the said Lord Wrottesley and Thomas Hooke Pearson, or such owner or owners for the time being of the said brook or of the said mills respectively, to enter from time to time upon the land and works of the said company hereby established at all seasonable hours, and to examine and see whether there have been any excavations, sinking, boring, tunnelling, pumping, or other operation at a greater depth than eighteen feet below the said top-water level of the said canal, and that no interruption or hindrance by or on behalf of the said company hereby established, or their engineers, servants, or agents, shall be offered or made to such entry, view, or examination, but on the contrary every facility by means of the machinery and the aid of the engineers, agents, and servants of the said company shall be afforded them for such purpose from time to time when and as required or demanded: Provided always, that upon such entry, view, or examination as aforesaid there shall be as little interference as possible with the works of the said company or the supply of water to the said town of Wolverhampton.

13 and 14 Victoria, cap. 74. (Local.)

For protection
of the Company
of Proprietors
of the Birmingham
Canal
Navigations.

Section V. And be it enacted, that if and as often as at any time hereafter the Company of Proprietors of the Birmingham Canal Navigations shall have occasion to raise, rebuild, or alter any bridge belonging to the same company over which any pipes may have been carried by the said waterworks company under the powers of the said recited Act or of this Act, the alteration of such pipes made necessary by the raising, rebuilding, or altering of every such bridge shall be made and the pipes shall be replaced by and at the expense of the said waterworks company, and the said company of proprietors shall not be liable to make compensation for any damage, loss, or injury occasioned thereby, but no such raising, rebuilding, or altering shall be commenced (except in cases of emergency) until seven days after notice of an intention to raise, rebuild, or alter (as the case may be) shall have been given by the said company of proprietors to the said waterworks company: Provided always, that it shall not be lawful for the said waterworks company in exercising any of the powers of the said recited Act or of this Act in any manner to impede the navigation of any of the canals of the said company of proprietors, and that in laying down, altering, and maintaining any pipes over, across, or by the side of any of the

[32 & 33 VICT.] *The Wolverhampton Improvement* [Ch. cxxxi.]
Act, 1869.

bridges of the said company of proprietors the same shall be laid down, altered, and maintained by the said waterworks company so and in such manner as not to injure the said bridges or intercept the free passage under the same, and (save as aforesaid) the said waterworks company shall not take or in any manner interfere with any of the works or property of the said company of proprietors without their consent in writing under their common seal first had and obtained.

A.D. 1869.

Section VI. And be it enacted, that the pipes and waterworks hereby authorized shall cross over the Grand Junction line of the London and North-western Railway at the two several points where, and on the levels which, according to the plan and section deposited as in this Act mentioned, such pipes and waterworks appear to cross the said railway, and not otherwise without the previous consent in writing of the London and North-western Railway Company under their common seal, and that such pipes and waterworks shall be carried across the said railway at the said points in a safe and substantial manner, and so as not to injure or endanger the line or works of the said railway, and that such pipes and waterworks shall be laid and at all times maintained to the satisfaction of the engineer for the time being of the London and North-western Railway Company.

As to mode of crossing the London and North-western Railway.

Section VII. And be it enacted, that the expense of carrying the said pipes and waterworks across the said railway, and of any alterations in the works of the said railway which may be rendered necessary by the laying down, altering, and maintaining such pipes and waterworks, shall be borne and paid by the waterworks company.

Expense of laying works across railway to be borne by waterworks company.

Section VIII. And be it enacted, that notwithstanding anything in this Act contained to the contrary, it shall not be lawful for the said waterworks company, or for any other corporation or person under or in execution of this Act, either permanently or temporarily, to enter upon, take, or use any of the land or property of the London and North-western Railway Company, or any land or property which at the time of the passing of this Act the said last-mentioned company may have power to acquire, or in any manner to alter, vary, or interfere with the said London and North-western Railway or any of the works appertaining thereto, save only for the purpose of carrying the pipes and waterworks across the said railway at the points and in manner aforesaid.

Waterworks company not to interfere with property of London and North-western Railway Company, &c.

Section IX. And be it enacted, that nothing in this Act contained shall prejudice, diminish, alter, or take away any of the rights, privileges, powers, franchises, or authorities of, or vested in, or belonging to the said London and North-western Railway Company, but all their rights, privileges, powers, franchises, and authorities under their several Acts of Parliament and otherwise are hereby saved and reserved, except so far as the same are hereby expressly varied or affected.

Saving rights of the London and North-western Railway Company.

Section X. And whereas by the said recited Act it was provided that the said company should not excavate, sink, bore, tunnel, or pump or carry on any works whatever at a greater depth than eighteen feet below the top-water level of the Staffordshire and Worcestershire Canal at or near Tettenhall Bridge: And whereas such restriction is found to deprive the said company of the means

Power to company to construct works at Tettenhall more than 18 feet below

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.
—
the level of the
Staffordshire
and Worcester-
shire Canal.

of obtaining a considerable quantity of water requisite for the supply of the said town of Wolverhampton, and the said company are of opinion that their works may be carried to a greater depth than the depth limited by the said Act without injury to the interests of any company or persons whose interests were sought to be secured or protected by the aforesaid provisions: Be it therefore enacted, that notwithstanding anything in the said Act, but subject to the provisions herein-after contained, the said company may excavate, sink, bore, tunnel, and pump and carry on any works at Tettenhall at a greater depth than the depth of eighteen feet below the top-water level of the said canal, but not so as to abstract any water from the said canal, or from a certain brook near to the same called Tettenhall Brook, to the prejudice of any company or person whose interests were sought to be protected as aforesaid.

Works near
Goldthorn Hill
to be proceeded
with, &c.

Section XI. And be it enacted, that the works by this Act authorized to be constructed for procuring water at or near Goldthorn Hill shall be proceeded with, and no further excavations or deepening of the works at Tettenhall shall be made unless with the consent of the Staffordshire and Worcestershire Canal Company.

18 and 19 Victoria, cap. 151. (Local.)

Company not
to supply
Willenhall and
Bilston with-
out consent of
South Stafford-
shire Water-
works Com-
pany, except,
&c.

Section VI. Provided always, that it shall not be lawful for the company, without the consent of the South Staffordshire Waterworks Company first had and obtained, to supply the respective townships of Willenhall and Bilston with water, if and so long as the said South Staffordshire Waterworks Company shall supply such respective townships under the power of "The South Staffordshire Waterworks Act, 1853," provided such power be exercised by the said South Staffordshire Waterworks Company at any time within the period limited by the said last-mentioned Act for completing the works thereby authorized.

Power to make
waterworks
according to
deposited plans.

Section XXI. And whereas plans and sections showing the line and levels of the waterworks proposed to be constructed for the purposes of this Act, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and occupiers of the lands in or through which the same are intended to be made or to pass, or which may be required for the purposes of the company, have been deposited by the clerks of the peace for the counties of Salop and Stafford, it shall be lawful for the company, subject to the provisions and restrictions in this and the said incorporated Acts contained, to make, construct, and maintain the said waterworks in the line, according to the levels, and upon the lands delineated on the said plans and sections and described in the said book of reference, and for that purpose to purchase, either absolutely for a sum in gross or in consideration of an annual rentcharge, and to enter upon, take, and use such of the lands, springs, and streams delineated on the said plans and sections and described in the said book of reference as shall be necessary for that purpose, or any easement, liberty, privilege, power, or authority in or over the same, and take therefrom such water as the company may require for the purposes of this and the said incorporated Acts: Provided always, that nothing herein contained or referred to shall authorize the company or its successors, nor shall the company or its successors enter upon, take, use,

[32 & 33 VICT.] *The Wolverhampton Improvement* [Ch. cxxxi.]
Act, 1869.

or interfere with, or shall anything herein contained or referred to in any manner affect any estate, rights, or privileges enjoyed by Captain George Charles Selwin Durant, his heirs or assigns, in, to, or over any part of the lands, streams, springs, waters, and hereditaments known as "The Tong Castle Estate," or appurtenant thereto, except such part or parts thereof as are hereby authorized to be purchased and taken by the company, and are particularly described and comprised in the book of reference to the said plans deposited with the clerk of the peace for the county of Salop.

A.D. 1869.

Section XXIII. And whereas the works by this Act authorized comprise certain reservoirs for impounding the waters of Neachley Brook and Ruckley Brook in the parishes of Tong and Donington respectively in the county of Salop, and which reservoirs will be situate near to and on the north side of the Great Western Railway (Shrewsbury and Birmingham section), and it is necessary that the said reservoirs and works connected therewith should be constructed and maintained in such manner as not to interfere with the security of the works of the said railway, or the safety and convenience of the traffic thereon: Be it enacted, notwithstanding anything in this Act or in the Acts herewith incorporated, that it shall not be lawful for the company in constructing the embankments of the said reservoirs respectively to carry the same nearer to the said railway than eighty yards from a line drawn along the centre of the said railway, and the said embankments shall be made perfectly water-tight, by means of puddling or otherwise, to the satisfaction of the engineer of the said railway company as herein-after provided, and the main pipe for conveying water from the said reservoirs under the said railway shall be laid through the existing culvert under the said railway in the embankment at the Neachley Brook, and shall be made of cast iron.

Provisions for protection of the Great Western Railway Company.

Section XXIV. Provided always, that nothing contained in this Act, or in the other Acts incorporated therewith, shall authorize the company to take or enter upon any of the lands or ground belonging to the Great Western Railway Company, or to alter, vary, or interfere with the said railway, or any of the works thereof, further or otherwise than is hereby expressly authorized, without the consent of the said railway company in writing under their common seal in every instance for that purpose first had and obtained.

Company not to take lands of Great Western Railway Company without consent.

Section XXV. Provided also, notwithstanding anything in this Act or in the Acts incorporated therewith contained, that it shall not be lawful for the company, without such consent of the Great Western Railway Company as aforesaid, to acquire any right or property in any of the lands of the said railway company, other than the right, subject to the provisions of this Act, of executing the several works necessary and proper for laying and maintaining such main pipe as aforesaid upon, through, or under the lands and works of the said railway company, and for keeping the same and the works in connexion therewith in repair, and all necessary repairs of the same shall from time to time be executed under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Great Western Railway Company, and the company shall on demand pay to the Great Western Railway Company all expenses reasonably incurred by them by reason of or in reference to the laying and maintaining or repair of all or any of the works upon, over, or under or

Defining powers of the company in regard to interference with lands of Great Western Railway Company, and provision as to repairs, &c.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. adjacent to the said railway and the lands and works thereof authorized by this Act or any Act incorporated therewith, or for or by reason of the superintendence by the engineer for the time being of the said railway company of the construction, maintenance, or repair of the same works.

Providing for damage to Great Western Railway Company being made good.

Section XXVI. The Company shall from time to time at their own costs and charges, and under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Great Western Railway Company, repair and make good any damage or injury which may from time to time be done to the said railway, or to the works or property of the said railway company, in the construction, maintenance, and repair of the works hereby authorized, and the company shall also from time to time and at all times pay to and make good to the Great Western Railway Company all losses, costs, damages, injuries, and expenses, as well immediate as consequential, which that company may incur, suffer, or be put to by reason of any act or proceeding of the company, or by reason of the failure or giving way from any cause whatever of any of the reservoirs, embankments, watercourses, conduits, pipes, or other works to be constructed by the company under the provisions of this Act; and in case the company shall refuse or neglect to repair or make good any such damage or injuries as aforesaid when and so often as the same shall arise, it shall be lawful for the said railway company to repair and make good the same, and all costs, charges, damages, and expenses whatever which shall be thereby incurred or sustained by the said railway company shall be repaid to them by the company within one calendar month after a demand for the same shall have been made in writing, and for the purposes aforesaid or any of them it shall be lawful for the said railway company, their agents, servants, and workmen, to enter upon, use, and occupy any of the land or premises belonging to the company adjoining the said railway.

Saving rights of Great Western Railway Company.

Section XXVII. Except as herein expressly provided, nothing herein contained shall extend or be construed to prejudice, diminish, alter, or take away any of the rights, powers, hereditaments, or authorities of or belonging to or vested in the Great Western Railway Company.

For protection of the Company of the Birmingham Canal Navigations.

Section XXXIII. Whenever the Company of Proprietors of the Birmingham Canal Navigations shall have occasion to raise, rebuild, or alter any bridge belonging to them over which any pipes may have been carried by the company under the powers of the said recited Acts or of this Act, the alterations of such pipes made necessary by the raising, rebuilding, or altering of every such bridge shall be made and the pipes shall be replaced by and at the expense of the company, and the said company of proprietors shall not be liable to make compensation for any damage, loss, or injury occasioned thereby, but no such raising, rebuilding, or altering shall be commenced (except in cases of emergency) until seven days after notice of such intention to raise, rebuild, or alter (as the case may be) shall have been given by the said company of proprietors to the company: Provided always, that it shall not be lawful for the company in any manner to impede the navigation of any of the canals of the said company of proprietors, and the pipes of the company shall be so laid, altered, and maintained as not to injure the said bridges or interrupt the free passage under the same, and (save as aforesaid) the company shall not take nor in any manner

[32 & 33 VICT.] *The Wolverhampton Improvement* [Ch. cxxxi.]
Act, 1869.

interfere with any of the works or property of the said company of proprietors, or any brooks, springs, streams, or watercourses which now or hereafter may supply or run directly or indirectly into the canals of the last-mentioned company, without their consent in writing under their common seal first had and obtained.

A.D. 1869.

Section XXXIV. Any steam engine, furnace, chimney, or other apparatus generating, producing, or transmitting smoke, to be erected, set up, or used at the works of the company within a radius of three miles of the astronomical observatory of the Right Honourable John Lord Wrottesley, situate in the parish of Codsall, shall be constructed on the best and most approved principle which has been or may hereafter be discovered of consuming and burning the smoke arising or proceeding therefrom, and shall actually consume and burn such smoke, so as to prevent the same occasioning any injury or nuisance whatsoever to the said observatory and the instruments, operations, and observations contained, carried on, and made therein from time to time; and in case such engine, furnace, chimney, or other apparatus shall not be so constructed or such smoke shall not be so consumed or burnt, or if any such injury or nuisance shall be done or occasioned as aforesaid, the company shall forfeit and pay to the said John Lord Wrottesley, or other the owner for the time being of the said observatory, for every day or any part of a day whereon such default, injury, or nuisance shall arise or be made, such sum or sums of money as may and shall from time to time be determined by arbitration in the manner provided by the said "Companies Clauses Consolidation Act."

Steam engines, &c. to consume their own smoke if used or employed within three miles of Lord Wrottesley's observatory.

Penalty on company in case of failure.

24 and 25 Victoria, cap. 152. (Local.)

Section XVI. Notwithstanding the 40th section of "The Wolverhampton New Waterworks Act, 1855," or anything in this Act or the recited Acts or "The Waterworks Clauses Act, 1847," contained, the company shall provide and keep in their pipes within the municipal borough of Wolverhampton (except within such portion of the said borough as is situated eastward of the line of Mining Fault in the said borough, which line is delineated on the Ordnance map or plan of the Geological Survey of Great Britain) a supply of pure and wholesome water constantly laid on under pressure sufficient for domestic use, and for extinguishing fires, and other purposes, according to the provisions of "The Waterworks Clauses Act, 1847," with respect to the supply of water; but nothing in this Act contained is intended or shall be construed to affect or alter the said 40th section as respects such part of the township of Wolverhampton as lies eastward of the said Mining Fault, or as respects the other townships and parishes which the company do now or may hereafter supply with water.

Constant supply of water under pressure within the municipal borough of Wolverhampton, except the part eastward of the Mining Fault.

30 and 31 Victoria, cap. 133. (Local.)

Section 2. The heads of agreement, dated the first day of April one thousand eight hundred and sixty-seven, which are set forth in the Schedule (A.) to this Act are hereby ratified and confirmed: Provided that nothing herein or in the said heads of agreement contained shall be construed to authorize or empower

Heads of agreement in Schedule (A.) confirmed.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.

the issue of new or preference shares beyond the sum of eight thousand two hundred and eighty-five pounds, being the amount unissued of the sum of thirty thousand pounds authorized to be raised by "The Wolverhampton New Waterworks Act, 1861."

Undertaking
of new com-
pany vested in
Corporation
of Wolver-
hampton.

Section 3. Upon the execution by the new company of a grant and transfer of their undertaking to the Corporation, as provided for by the said heads of agreement, and as from the first day of January one thousand eight hundred and sixty-eight, the works of the new company and the sites thereof, and the messuages, buildings, erections, fixed engines, fixtures, machinery, and appurtenances, and the stock in trade, implements, and other moveable effects, rents and profits thenceforth accruing, and the fixed mains, pipes, water, and generally the whole undertaking of the new company, with all the rights, interests, powers, authorities, and privileges whatsoever of the new company relating thereto, shall vest in the Corporation, and may be held, exercised, and enjoyed by them as the local board of health for the borough and corporate district of Wolverhampton; and such grant and transfer shall be deemed to be a deed made and executed by that local board under and for the purposes of "The Public Health Act, 1848."

Receipt to be
sufficient
discharge.

Section 4. A receipt in writing under the hands of any two of the directors for the time being of the new company, and under the common seal of that company, for any money payable to that company in respect of any such grant or transfer, shall be an effectual discharge to the Corporation for the money therein expressed to be received, and from all liability, claims, or demands in respect thereof or of the application thereof.

New company
to remain
incorporated
for certain
purposes.

Section 5. Notwithstanding such vesting, the new company shall remain incorporated for the purposes of and incident to the receipt and distribution of the monies to be paid to them under the grant and transfer to be made in pursuance of the said heads of agreement.

General saving
of rights.

Section 7. Notwithstanding such vesting, and except as is by this Act and by or under the said heads of agreement otherwise expressly provided, everything before the first day of January one thousand eight hundred and sixty-eight done, suffered, and confirmed respectively under or by virtue of or by the recited Acts shall be as valid as if this Act were not passed, and such vesting and this Act respectively shall accordingly be subject and without prejudice to everything so done, suffered, and confirmed respectively, and to all rights, liabilities, claims, and demands, both present and future, which if such vesting had not happened and this Act had not passed, or the said heads of agreement had not been made, would be incident to or consequent on any and every thing so done, suffered, and confirmed respectively; and with respect to all such rights, liabilities, claims, and demands the Corporation shall represent the new company: Provided always, that the generality of this provision shall not be restricted by any other of the clauses and provisions of this Act.

Contracts, &c.
preserved.

Section 9. Notwithstanding such vesting, all purchases, sales, conveyances, mortgages, securities, and contracts before the first of January one thousand eight hundred and sixty-eight made and entered into under any of the recited Acts relating to the new company, or with respect to the purposes thereof,

[32 & 33 VICT.] *The Wolverhampton Improvement* [Ch. cxxxi.]
Act, 1869.

shall be as effectual to all intents for, against, and with respect to the Corporation as if the same had been made or entered into by, to, or with respect to the Corporation instead of the new company, and may be proceeded on and enforced in like manner to all intents as if the Corporation were party or privy thereto or referred to therein, instead of the party actually party or privy thereto or referred to therein.

A.D. 1869.

Section 10. Notwithstanding such vesting, any action, suit, prosecution, or other proceeding commenced either by or against the new company before the first of January one thousand eight hundred and sixty-eight shall not abate or be discontinued or prejudicially affected by this Act, but on the contrary shall continue and take effect, both in favour of and against the Corporation, in the same manner to all intents as the same would have continued and taken effect in favour of and against the new company if this Act had not been passed, and the court in which any such action, suit, prosecution, or other proceeding is pending, or any judge, may, on application in a summary way of any party thereto, cause the name of the Corporation to be substituted for the name of the new company as party to such action, suit, prosecution, or other proceeding, and the name of the Corporation shall after such substitution be used in such action, suit, prosecution, or other proceeding in like manner as if the Corporation instead of the new company had originally been parties thereto: Provided always, that notwithstanding anything in this Act contained, any action, suit, or proceeding commenced by or against the new company before the first of January one thousand eight hundred and sixty-eight in respect of any debt or liability which, as between the new company and the Corporation, ought, according to the terms of the said heads of agreement, to be paid or satisfied to or by the new company, shall continue and take effect by and against the new company as if this Act had not been passed.

Actions not to abate.

Section 11. Notwithstanding such vesting, and except only as is by this Act otherwise expressly provided, all persons who on the twenty-fourth of December one thousand eight hundred and sixty-seven owe any water rents or rates or any money to the new company, or to any person on their behalf, in respect of water supplied or otherwise owing up to that day, shall pay the same, with all the interest (if any) due and payable or accruing for the same, to that company; and all monies which on that day are owing by or recoverable from the new company, or for the payment of which they are or but for this Act would be liable, shall be paid, with all interest (if any) due and payable or accruing for the same, by or be recoverable from that company.

Debts of new company to be paid by and to them.

Section 12. The said agreements between the new company and the South Staffordshire Waterworks Company which are set forth in the Schedule (B.) to this Act annexed are by this Act confirmed and made binding on the two companies respectively, and the reference made in the said agreement of the first day of July one thousand eight hundred and sixty-one to the Ordnance map annexed thereto shall be considered as if made to the Ordnance maps deposited as aforesaid in the office of the clerk of the peace for the county of Stafford and in the Private Bill Office of the House of Commons respectively.

Agreements in Schedule (B.) confirmed.

Section 13. And whereas the memorandum of agreement, dated the sixteenth day of May one thousand eight hundred and sixty-six, and made between the

Providing for continuance of agreement

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869,
for supply of
water to
Bilston Com-
missioners.

new company of the one part, and the Bilston Township Commissioners and local board of health (herein-after referred to as the Bilston Commissioners) of the other part, which is set forth in Schedule (C.) to this Act, is now subsisting, and it is expedient that provision should be made for the continuance in perpetuity of the said memorandum of agreement after the expiration of the period during which the same is now obligatory: And whereas it has been agreed between the Corporation and the Bilston Commissioners that the said agreement shall be continued in perpetuity: Be it enacted, that the said agreement shall be and is hereby continued in perpetuity: Provided always, that if either the Corporation or the Bilston Commissioners shall, six months before the end of twenty-one years from the date of the said agreement, or any succeeding term of twenty-one years, by notice in writing to the other of them, require the prices or sums of money payable under the said memorandum of agreement to be revised, then the prices or sums of money to be thenceforth paid shall, failing agreement, be ascertained and determined by arbitration in the manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration, and the prices or sums of money so ascertained and determined shall thenceforth be deemed to be the prices or sums of money specified in the said memorandum of agreement.

SCHEDULES A., B., and C. to the Waterworks Transfer Act, 1867,
(30 and 31 Victoria, cap. 133.,) referred to in the foregoing
sections of that Act.

SCHEDULE (A.)

HEADS OF AGREEMENT made this first day of April one thousand eight hundred and sixty-seven between the Wolverhampton New Waterworks Company (herein-after called the company) of the one part, and the mayor, aldermen, and burgesses of the borough of Wolverhampton (herein-after called the Corporation) of the other part.

Under the provisions of "The Wolverhampton New Waterworks Act, 1855," and subject to the sanction of Parliament so far as that sanction may be necessary, it is agreed as follows:

1st. The company shall make and execute and the Corporation shall accept and execute a grant and transfer to the Corporation of the works of the company and the sites thereof, and the messuages, buildings, erections, fixed engines, fixtures, machinery, and appurtenances, and the stock in trade, implements, and other moveable effects, and rents and profits thenceforth accruing, and also the fixed mains, pipes, water, and generally the whole undertaking of the company, with all the rights, interests, powers, authorities, and privileges whatsoever of the company, and all deeds and muniments of title relating thereto.

2nd. The grant and transfer shall take effect as from the 1st day of January 1868, and upon that day the company shall deliver over to the Corporation and put them in peaceable possession of the whole of the waterworks, undertaking, and premises of the company.

3rd. The balance sheet in the schedule hereto shall be the basis of the payments hereby agreed to be made.

[32 & 33 VICT.] *The Wolverhampton Improvement* [Ch. cxxxi.]
Act, 1869.

A.D. 1869.

4th. The Corporation shall pay to the company by equal half-yearly payments the yearly rents following, free from all deductions whatever except income tax; (that is to say,)

(A.) For the year commencing on the 1st of January 1868 and for every subsequent year the sum of 1,085*l.* 15*s.* in respect of the company's preference share capital of 21,715*l.*, and also on the said 1st January 1868 and for every succeeding year a sum equal to 5 per cent. upon any further preference stock which has been or may be issued in respect of any additional capital expenditure made or to be made, to be certified by the two accountants of the respective parties or their umpire as having been properly placed to capital account:

(B.) For the year commencing on the 1st of January 1868 the sum of 2,500*l.* in respect of the company's ordinary share capital of 100,000*l.*;

For the year commencing on the 1st of January 1869 the like sum of 2,500*l.* in respect of the same capital;

For the year commencing on the 1st of January 1870 the sum of 3,000*l.* in respect of the same capital;

For the year commencing on the 1st of January 1871 the sum of 3,500*l.* in respect of the same capital;

For the year commencing on the 1st of January 1872 and for every subsequent year the sum of 4,000*l.* in respect of the same capital.

5th. The first half-yearly payment of the rents shall be due on the 1st of July 1868, and the subsequent half-yearly payments of such rents shall be due on every 1st of January and 1st of July.

6th. The rents shall be a charge upon the transferred premises.

7th. If any half-yearly payment of rent be in arrear for a longer period than 60 days after the same has become due, the company may recover the same by action at law, or by distress upon the transferred premises, and have the usual right of re-entry as for rent in arrear and the right to appoint a receiver of the rents and profits of the transferred property.

8th. As from the 1st of January 1868 the Corporation shall be liable for the debenture debt from time to time of the company, now amounting (inclusive of the debenture debt of 17,300*l.* of the Wolverhampton Waterworks Company, known as the old company) to the sum of 40,000*l.*, and the interest thereon, and to the rent payable to and to the liabilities of the old company under their grant of 1857, and shall indemnify the company against the same; provided, nevertheless, that until the 1st day of January 1869 the company shall, subject to the same liability, provide for the renewal of debentures falling due before that time at a rate of interest not exceeding 5 per cent., the Corporation paying stamp duty and commission if incurred.

9th. As from the 1st of January 1868 the Corporation shall for all purposes with respect to the transferred premises represent to all intents the company.

10th. As from the 1st of January 1868 the Corporation shall be subject to and perform and conform to all duties, obligations, and liabilities to which the company immediately before that day were or but for the transfer would be or become subject, and shall relieve and indemnify the company, and their officers and servants, and their respective representatives, of and from all such duties, obligations, and liabilities, and all costs, damages, and expenses in that

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 Vict.]
Act, 1869.

A.D. 1869. behalf, save and except such as are or may be properly chargeable on revenue account up to that day, and the company shall relieve and indemnify the Corporation, and their officers and servants, and their respective representatives, of and from all duties, obligations, and liabilities, and all costs, damages, and expenses in that behalf properly chargeable on revenue account and accruing previous to that day.

11th. The deed of grant and transfer shall contain the usual arbitration clauses, and shall be settled on behalf of the company and the Corporation by Mr. J. H. Lloyd, and him failing by some counsel to be nominated on the application of either party by the Board of Trade, with full power to insert in the grant and transfer such covenants and provisions as he may think needful for giving effect to this agreement.

12th. Before the 31st of December 1867 the company shall comply with the statutory provisions relative to the deposit of plans of their workings.

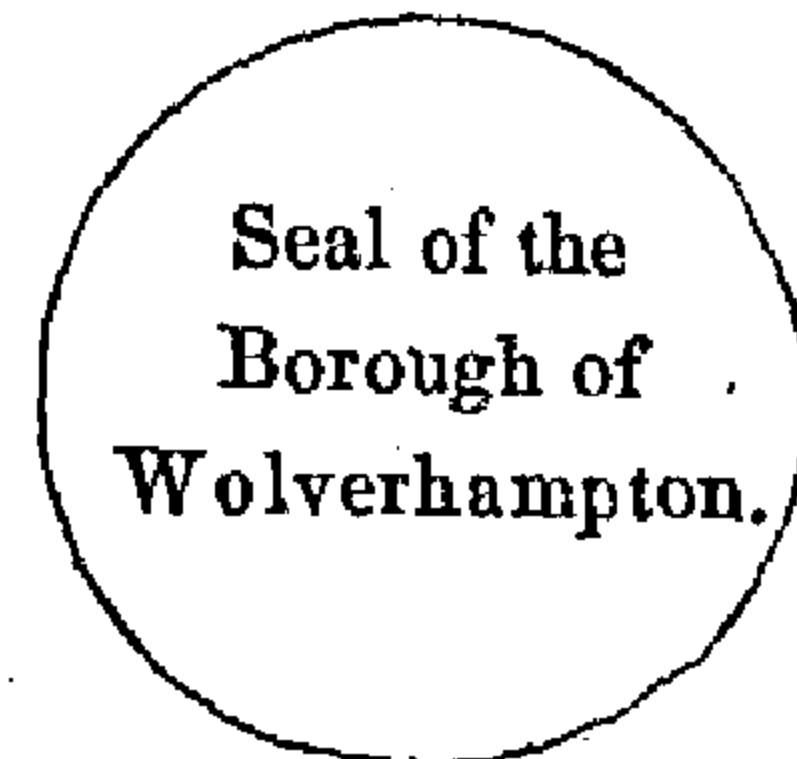
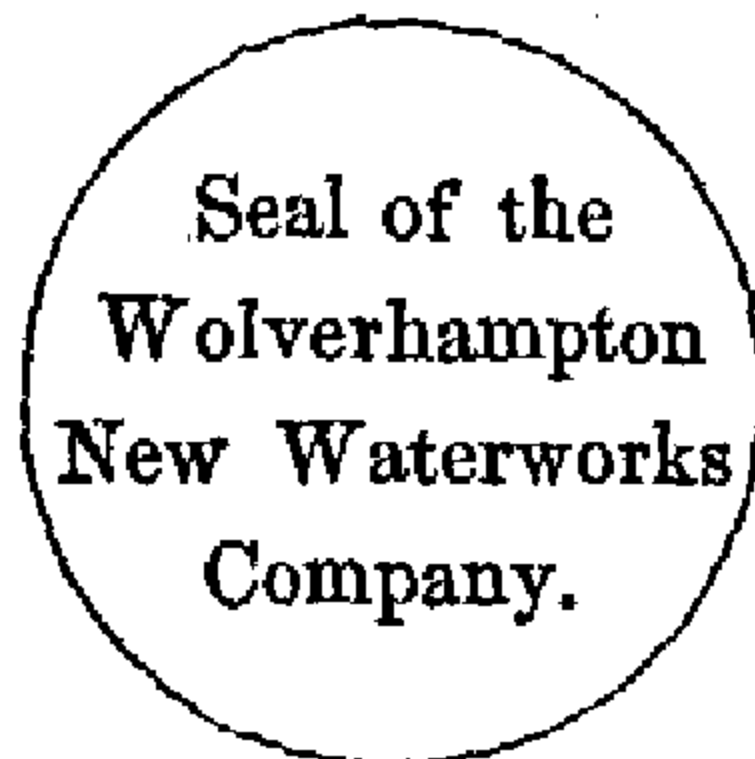
13th. The company shall not without the previous consent in writing of the Corporation, under the hand of the town clerk or the borough surveyor, make or enter into any new contract, agreement, or other obligation, except such as may be in the ordinary course of the proper conduct of the affairs of the company, and for their benefit.

14th. The company and the Corporation respectively will use their best exertions to have this agreement confirmed by the Wolverhampton New Waterworks Bill now pending in Parliament, and that bill shall be altered and amended accordingly. As witness the common seal of the said company, and the corporate seal of the said borough.

The SCHEDULE referred to.

BALANCE SHEET, December 25th, 1866.

	£	s.	d.		£	s.	d.
Revenue account and accounts owing to company - - -	3,531	17	2	Revenue account and accounts owing to company - - -	6,839	9	5
Wolverhampton and Staffordshire Banking Company - - -	3,844	0	1	Old works - - -	63,546	0	0
Shares - - -	99,879	18	0	New works - - -	144,231	5	10
"A" preference shares - - -	14,565	0	0				
Loans - - -	46,550	0	0				
Old company - - -	46,246	0	0				
	<u>£214,616</u>	<u>15</u>	<u>3</u>		<u>£214,616</u>	<u>15</u>	<u>3</u>



(Signed) LYONS WRIGHT,
Secretary to the Wolverhampton
New Waterworks Company.

(Signed) E. J. HAYES,
Town Clerk.

SCHEDULE (B.)

A.D. 1869.

I.—AGREEMENT between the WOLVERHAMPTON NEW WATERWORKS COMPANY and the SOUTH STAFFORDSHIRE WATERWORKS COMPANY, dated 31st May 1858.

It is agreed between the Wolverhampton New Waterworks Company and the South Staffordshire Waterworks Company :

First, that the South Staffordshire Waterworks Company shall deliver on and from the thirty-first day of December next, and continue to deliver until the first of January one thousand eight hundred and sixty-seven, to the Wolverhampton New Waterworks Company ten thousand gallons of water daily into their main pipe at the point marked A on the annexed Ordnance map between Darlaston and Bilston, and that the Wolverhampton New Waterworks Company shall accept such water, and pay to the South Staffordshire Waterworks Company the sum of five hundred pounds on every thirty-first day of December in the several years one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty, one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-two, one thousand eight hundred and sixty-three, one thousand eight hundred and sixty-four, one thousand eight hundred and sixty-five, and one thousand eight hundred and sixty-six.

Second, that the better to promote the benefit of the public the Wolverhampton New Waterworks Company shall not at any time lay on or supply, either directly or indirectly, through any person or corporation, under colour of a contract or otherwise, any water, nor exercise nor attempt to exercise any of their parliamentary or other powers, nor hereafter attempt to obtain any further parliamentary or other powers, on the south and south-east side of the black line drawn on the annexed Ordnance map, and therein called "boundary line;" and that the South Staffordshire Waterworks Company shall not at any time lay on or supply, either directly or indirectly, through any person or corporation, under colour of a contract or otherwise, any water, nor exercise nor attempt to exercise any of their parliamentary or other powers, nor hereafter attempt to obtain any further parliamentary or other powers, on the north side of the said black line; and the South Staffordshire Waterworks Company hereby consent to the Wolverhampton New Waterworks Company supplying so much of the respective townships of Willenhall and Bilston with water as lies on the north side of the said boundary line.

Third, that either company first going to Parliament shall apply for and endeavour bonâ fide to obtain legislative sanction to this agreement, and in case such sanction be not obtained on such application, this provision shall continue binding on the said companies, and compel each of them to apply for and endeavour bonâ fide to obtain such legislative sanction in any subsequent application to Parliament by either of them, but either party may at their own expense go to Parliament for such sanction at any time hereafter.

Fourth, that for the due performance of this agreement each company bind themselves to the other of them in the sum of twenty thousand pounds as

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. — ascertained and agreed damages to be paid by either company failing to perform this agreement in any respect whatever to the other company.

Sealed with the common seal of the Wolverhampton New Waterworks Company, the thirty-first day of May one thousand eight hundred and fifty-eight.

Seal of the
Wolverhampton
New Waterworks
Company.

Sealed with the common seal of the South Staffordshire Waterworks Company, the thirty-first day of May one thousand eight hundred and fifty-eight.

Seal of the
South
Staffordshire
Waterworks
Company.

SCHEDULE (B.)—*continued.*

II.—AGREEMENT between the WOLVERHAMPTON NEW WATERWORKS COMPANY and the SOUTH STAFFORDSHIRE WATERWORKS COMPANY, dated 1st July 1861.

It is agreed between the Wolverhampton New Waterworks Company and the South Staffordshire Waterworks Company as follows:

First, that the agreement bearing date the thirty-first day of May one thousand eight hundred and fifty-eight between the said two companies be and the same is hereby altered and modified by the terms and provisions herein-after contained.

Second, that the South Staffordshire Waterworks Company shall, when required by the Wolverhampton New Waterworks Company, deliver, as from the thirty-first day of December one thousand eight hundred and sixty, and continue to deliver until the first day of January one thousand eight hundred and sixty-seven, to the Wolverhampton New Waterworks Company, at the rate of ten thousand gallons of water per day, when thereunto required by the said Wolverhampton New Waterworks Company, into their main pipe at the point marked A on the annexed Ordnance map between Darlaston and Bilston, and that the Wolverhampton New Waterworks Company shall absolutely continue to pay to the South Staffordshire Waterworks Company, having already paid up to the said thirty-first day of December last, pursuant to such agreement, the sum of five hundred pounds on every thirty-first day of December in the several years one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-two, one thousand eight hundred and sixty-three, one thousand eight hundred and sixty-four, one thousand eight hundred and sixty-five, and

[32 & 33 VICT.] *The Wolverhampton Improvement* [Ch. cxxxii.]
Act, 1869.

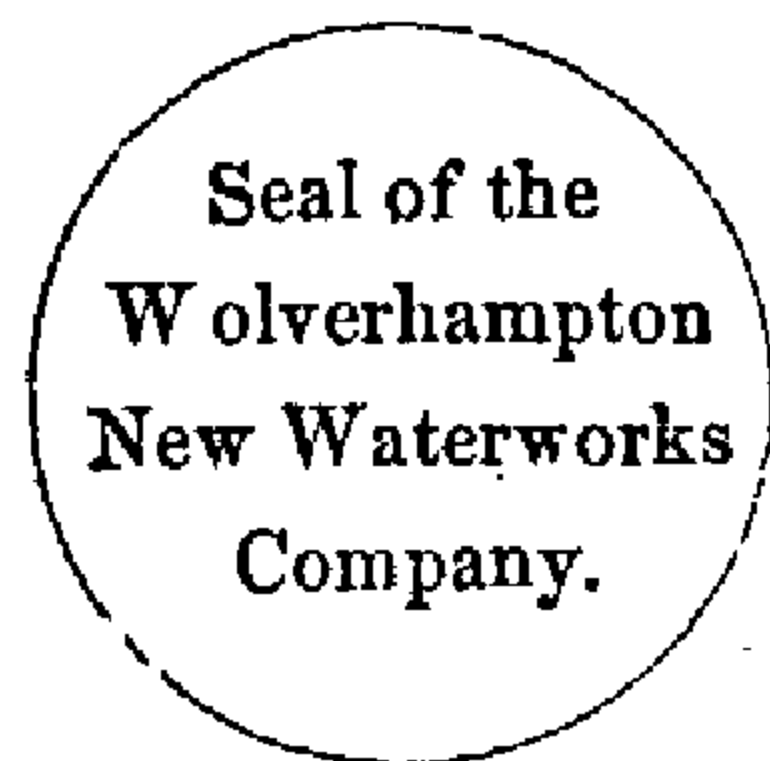
one thousand eight hundred and sixty-six, whether such water be required or accepted or not, as provided by the said agreement. A.D. 1869.

Third, that the better to promote the benefit of the public, the Wolverhampton New Waterworks Company shall not, without the consent of the South Staffordshire Waterworks Company first had and obtained, at any time hereafter lay on or supply, either directly or indirectly, through any person or corporation, under colour of any Act of Parliament, contract, or otherwise, any water, nor exercise nor attempt to exercise any of their parliamentary or other powers, nor hereafter attempt to obtain any further parliamentary or other powers, on the south and south-east side of the black line drawn on the annexed Ordnance map, and thereon called "boundary line;" and that the South Staffordshire Waterworks Company shall not, without the consent of the Wolverhampton New Waterworks Company first had and obtained, at any time hereafter lay on or supply, either directly or indirectly, through any person or corporation, under colour of any Act of Parliament, contract, or otherwise, any water, nor exercise nor attempt to exercise any of their parliamentary or other powers, nor hereafter attempt to obtain any further parliamentary or other powers, in the township of Bilston, and in so much of the township of Willenhall and of the parish of Sedgeley as lies on the north and west sides of the said boundary line; and the South Staffordshire Waterworks Company hereby consent to the Wolverhampton New Waterworks Company alone supplying with water the whole of the township of Bilston, and so much of the township of Willenhall and of the parish of Sedgeley as lies on the north and west sides of the said boundary line.

Fourth, that either company first going to Parliament shall apply for and endeavour bonâ fide to obtain legislative sanction to this agreement, and in case such sanction be not obtained on such application these provisions shall continue binding on the said companies, and compel each of them to apply for and endeavour bonâ fide to obtain such legislative sanction in any subsequent application to Parliament by either of them, but either party may at their own expense go to Parliament for such sanction at any time hereafter.

Fifth, that for the due performance of this agreement each company bind itself to the other of them in the sum of twenty thousand pounds as ascertained and agreed damages, in lieu of the same amount of damages mentioned in the said agreement of the thirty-first day of May one thousand eight hundred and fifty-eight, to be paid by either company failing to perform this agreement in any respect whatever to the other company.

Sealed with the respective common seals of the Wolverhampton New Waterworks and South Staffordshire Waterworks Companies, the first day of July one thousand eight hundred and sixty-one.



[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.

SCHEDULE (C.)

MEMORANDUM OF AGREEMENT, made this sixteenth day of May one thousand eight hundred and sixty-six, between the WOLVERHAMPTON NEW WATERWORKS COMPANY, for themselves, their successors and assigns, of the one part, and the BILSTON TOWNSHIP COMMISSIONERS AND LOCAL BOARD OF HEALTH, for themselves, their successors and assigns, of the other part.

It is mutually agreed by and between the said company and the said commissioners that the said company shall, from the twenty-fourth day of June next, and until the expiration of fourteen years of three hundred and sixty-five days to the year thence next ensuing, with power of renewal as herein-after mentioned, supply the township of Bilston with water, and the said commissioners agree to purchase such supply upon the terms and conditions herein-after specified and set forth; that is to say, from the said twenty-fourth day of June next until the expiration of the said term the said company shall supply to the said township daily two hundred and twenty thousand gallons of water at the least, and such further and greater quantity as the said commissioners may take, use, or require. And it is hereby agreed by the said company that the said water shall be of their usual good quality, and fit for all ordinary domestic purposes. The said commissioners agree to pay the said company during the said term for the supply of water in manner following; (that is to say,) during the period that the company shall supply, or are ready to supply, at the meter of the said commissioners, daily two hundred and twenty thousand gallons, at the price or sum of fivepence per one thousand gallons, whether they shall use or consume that quantity or not; and any quantity which the said commissioners may require beyond the said two hundred and twenty thousand gallons per day shall be charged at the rate of fivepence per thousand gallons: Provided nevertheless, that during the said term the said commissioners shall not (unless from the causes herein-after specified) pay for a less average quantity than two hundred and twenty thousand gallons of daily supply of water, whether they shall use or require that quantity or not; but such minimums of two hundred and twenty thousand gallons and any extra quantity shall be computed and paid for quarterly, without any abatement or set-off for or in respect of any past or future supplies. And it is further agreed that the payments for and in respect of the said water shall be made by the said commissioners to the said company quarterly on the twenty-ninth day of September, twenty-fifth day of December, twenty-fifth day of March, and the twenty-fourth day of June, the first payment to be made on the twenty-ninth day of September next, free from all taxes and deductions. And it is further agreed that the said company shall not supply water to any other person than the said commissioners, nor to any house, warehouse, or other premises within the township of Bilston, during the continuance of this agreement, without the consent of the said commissioners; and also that the said company shall deliver the water into the main of the said commissioners at the Market Place, Bilston, aforesaid, or at such other place in Church Street or High Street in Bilston aforesaid; also that the said company shall not be liable for any suspension in the deliveries or any deficiencies in the quantity or inferiority of quality of water which shall or may be occasioned by the act of God, or any inevitable accident or occurrence over which the said company shall have no control, but in case of such deficiency the said commis-

A.D. 1869.

sioners shall only be required to pay for the actual quantity supplied. Any disputes under these presents shall be referred to two arbitrators, whose written determination thereon (or that of an umpire chosen by themselves in case of difference) shall conclude the disputing parties, if made within thirty days from written notice of arbitration; each disputing party shall name an arbitrator, and if either party shall fail to do so, both arbitrators shall be named by the other party. The arbitrators or their umpire may call in any professional assistance, may require the personal attendance and examination on oath of the parties and those claiming under them, and the production of all documents relative to the dispute, and may determine by whom the expenses of arbitration shall be defrayed, together with the amount thereof, and all the provisions of "The Common Law Procedure Act, 1854," applicable to the case of such arbitration shall apply accordingly; and for the purpose of the application of the said Act this agreement shall be deemed the submission or document authorizing the reference to arbitration, and when any matter is so referred to arbitration the certificate or award of the referees or umpire shall be final. And, lastly, in case the said commissioners shall require the continuance of this agreement for a further term of seven years after the expiration of the said term of fourteen years, and shall give twelve calendar months notice in writing to the said company before the expiration of the said term of fourteen years, then this agreement shall continue for a further term of seven years on the terms and stipulations herein contained. In witness whereof the said commissioners have hereunto affixed their common seal the day and year first above written.

Witness to the affixing of the said seal,
JNO. E. FELLOWS,
Solicitor,
Bilston.



THE FOURTH SCHEDULE.

I.—AGREEMENT between the GREAT WESTERN RAILWAY COMPANY and CORPORATION, by Council, as Local Board of Health.

This indenture, made the thirtieth day of April one thousand eight hundred and sixty-eight, between the Great Western Railway Company (herein-after called "the company") of the one part, and the local board of health for the borough of Wolverhampton (herein-after called "the local board") of the other part: Whereas the local board in the execution of a scheme for the main drainage of the said borough are desirous of constructing two main sewers in the course or direction respectively shown by the lines coloured red on the plan hereunto annexed, and have requested permission of the company to carry the same under a bridge and a viaduct of the company's Shrewsbury and Wolverhampton line of railway, and to place a ventilator near the said bridge, which permission the company have agreed to grant on the terms and con-

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 Vict.]
Act, 1869.

A.D. 1869.

ditions herein-after contained: Now this indenture witnesseth, that in pursuance of the said agreement and in consideration of the sum of two pounds to the company by the local board now paid (the receipt whereof is hereby acknowledged):

1. The company do hereby grant to the local board licence and authority to construct the said two main sewers under the said Shrewsbury and Wolverhampton Railway in the said borough of Wolverhampton at the points marked A, B, and C on the said plan; and also to place a ventilator in the said sewer near the said bridge, but as to the said ventilator upon condition that the same shall not become a nuisance. And the local board do hereby for themselves and their successors and assigns covenant with the company and their assigns as follows:

2. The local board shall at their own cost execute and complete and for ever thereafter maintain the said main sewers and works according to the said plan and the section hereunto annexed, and in a substantial and safe manner, and so as not to cause any nuisance, damage, or injury to the company's railway or property; and the same shall be so executed, completed, and maintained under the superintendence and to the satisfaction of the company's engineer.

3. If the said ventilator should, in the opinion of the company's engineer, be found to be a nuisance, the local board shall forthwith, on demand, remove the same from the company's land.

4. If the local board shall fail to complete and maintain the said works to the satisfaction of the company's engineer, the company shall be at liberty without any notice to execute and do all such things as the said engineer shall think proper in and about the said works, and to recover all costs and expenses attending the same from the local board.

5. The local board shall bear the costs of and incident to these presents, and to the carrying the same into effect. In witness whereof the company and the local board have hereunto set their respective common seals, the day and year first above written.

The common seal of the Great Western Railway Company
was hereunto affixed in the presence of
J. D. HIGGINS, Paddington Station.



The common seal of the borough of Wolverhampton
was hereunto affixed in the presence of
E. J. HAYES, Town Clerk, and Clerk
to the Local Board of Health.



II.—AGREEMENT between STAFFORDSHIRE AND WORCESTERSHIRE CANAL
COMPANY and CORPORATION, by Council, as Local Board of Health.

This indenture, made the twenty-seventh day of May one thousand eight hundred and sixty-eight, between the Company of Proprietors of the Staffordshire and Worcestershire Canal Navigation (herein-after called the company) of the one part, and the local board of health of the borough and corporate district of Wolverhampton (herein-after called the board) of the other part: Whereas the said board are about to commence the construction of certain works for the outfall and distribution of the sewage of the said borough, and the irrigation of land, and for that purpose have purchased an estate called the Barnhurst and other land situate in the parish of Tettenhall in the said county, and purpose acquiring other land, and in order to enable the said board to carry out their object it is necessary that a conduit or sewage-duct should be constructed over the Staffordshire and Worcestershire Canal belonging to the said company, and the said company have, upon the application of the said board, consented and agreed to the construction thereof upon the terms and conditions herein-after expressed: Now this indenture witnesseth, that in pursuance of such agreement, and for effectuating the same, and in consideration of the payment and observance by the said board of the rent, covenants, and agreements herein-after reserved and contained, and on the part of the said board to be paid and observed respectively, the said company do hereby grant unto the said board and their successors full and free leave and licence to construct a conduit or sewage-duct across the said canal and the towing-paths and embankments thereof near to the Autherley Junction, and on the northern side of the Great Western Railway, the said conduit or sewage-duct to be of the dimensions following, or thereabouts, namely, span in the clear over the canal and towing-path, forty-one feet on the square, with a headway at the centre of the bridge above the high-water level of the canal of sixteen feet, and a headway above the towing-path to the spring of the arch of six feet, such towing-path to be left eight feet wide, and the thickness of the superstructure above the foundations not to exceed eleven feet; and also full and free leave and licence to use the said conduit or sewage-duct in perpetuity for conveying the sewage of the said borough over the said canal into the lands and works of the said board, and for no other purposes, and not to convert the same into a public road or way; and also full and free leave and licence for the said board and their successors to construct a culvert, overflow, or byewash, from the proposed outfall sewer in their land, through the embankment and towing-path of the said Staffordshire and Worcestershire Canal Navigation into such canal, such culvert, overflow, or byewash to be constructed to the satisfaction of the said company and so as not to obstruct the free use of the towing-path; and also full and free leave and licence to use the said culvert, overflow, or byewash for conveying the water from the said outfall sewer into the said canal, for the term of two years, to be computed from Lady Day one thousand eight hundred and sixty-nine: Provided always, and it is mutually agreed, that if the water to be discharged into the said canal shall not be in the opinion of the said company inoffensive and free from all solid and offensive matter, and the said company shall object to such water as being impure, and of such their objection shall give one week's notice in writing to the said board, then the said board shall and will at their own expense filter the said water to the satisfaction

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. of the said company, or cease to discharge the same into the said canal, and in default thereof the said company may stop the overflow of the said sewage water into the canal and charge the cost of such stoppage against the said board; and the said board covenant with the said company that the aforesaid works shall be constructed to the reasonable satisfaction of the engineer of the said company, and from time to time be kept in repair at the expense of the said board, and in case of default in effecting such repairs after reasonable notice in writing from the said company, the said company may effect such repairs and charge the cost thereof against the said board, who shall be liable to repay the same; and also that the said board will if required by the said company cover the said conduit or sewage-duct so as to abate any nuisance, and also that the said board will pay to the said company in perpetuity a rent of one pound per annum at Lady Day in each year, the first payment to be made at Lady Day one thousand eight hundred and sixty-nine: Provided always, and it is mutually agreed, that any dispute arising as to the construction of these presents or between the said parties, relative to the execution of the said works or the grant hereby made, shall be referred to the arbitration of two indifferent persons or to their umpire, pursuant to (and so as with regard to the mode and consequences of the reference, and in all other respects to conform to,) the provisions in that behalf contained in "The Common Law Procedure Act, 1854," or any then subsisting statutory modification thereof. As witness the common seals of the said company and board respectively.

The common seal of the Company of Proprietors of the
Staffordshire and Worcestershire Canal Navigation was
hereunto affixed by me,

JNO. S. RUTTER, Clerk to the Company.



The common seal of the borough of Wolverhampton was
hereunto affixed by me,

E. J. HAYES, Town Clerk, and Clerk to
the Local Board of Health.



III.—AGREEMENT between BIRMINGHAM CANAL COMPANY and CORPO-
RATION, by Council, as Local Board of Health.

This indenture, made the twenty-sixth day of June one thousand eight hundred and sixty-eight, between the Company of Proprietors of the Birmingham Canal Navigations (herein-after called the company) of the one part, and the local board of health of the borough and corporate district of Wolverhampton (herein-after called the board) of the other part: Whereas the board are about to commence the construction of certain works for the outfall and distribution of the sewage of the said borough and the irrigation of land, and for that purpose have purchased an estate called the Barnhurst and other land situate in the parish of Tettenhall in the county of Stafford, and purpose acquiring other land; and in order to enable the board to carry out their object it is necessary that a sewer should be constructed under one of the canals belonging to the company, and the company have, upon the application of the board, and for

the considerations herein appearing, consented and agreed to execute such grant as is herein contained upon the terms and conditions herein-after expressed: Now this indenture witnesseth, that in pursuance of such agreement, and for effectuating the same, and in consideration of the payment and observance by the board of the rents, covenants, and agreements herein-after reserved and contained, and on the part of the board to be paid and observed respectively, the company, so far as they lawfully can, do hereby grant unto the board and their successors full and free leave and licence to construct a sewer underneath the said canal and the towing-paths and embankments thereof, between the fifth and sixth locks above the Autherley Junction, and on the northern side of the viaduct of the Great Western Railway, in the direction and at the point shown by a red line on the plan drawn upon these presents; the said sewer to be constructed in manner following, that is to say, by means of a cast-iron tube under and across the said canal for the whole width thereof, and for a space of four feet on each side, and by means of a brick arch under the remainder of the company's land on each side of the said canal, such tube to be of iron at least three quarter inch in thickness throughout, and to be of an internal diameter of three feet and nine inches throughout, and to rest at each end thereof for at least two feet six inches on solid masonry, and the outer top of such tube when laid to be at least seven feet six inches below the top-water level of the said canal at the point of crossing, and to be covered over the whole length with puddle well worked at least two feet six inches in thickness, and such arch to be at least nine inches thick, and at each end well and effectually joined to and united with the said tube; and also full and free leave and licence to use the said sewer in perpetuity for the purpose of conveying the sewage of the said borough under the said canal into the lands, works, and premises of the board. And the board covenant with the company in manner following; that is to say, that the aforesaid works and everything appertaining thereto shall be constructed and completed by the board in all respects of the best materials and in the best known manner, and shall from time to time, and at all times thereafter, be kept in good repair, order, and condition by the board, and in case of default in effecting such repairs after reasonable notice in writing from the clerk for the time being of the company, the company may, if they think fit, effect the same, and the expenses incurred by the company in so doing shall be a debt payable by the board to the company: And also that all the works to be executed and maintained under the authority or in pursuance of these presents shall be executed and maintained at the expense of the board and to the satisfaction of the surveyor for the time being of the company, and in such manner as in the least possible degree to interfere with or interrupt the traffic or trade upon or the user of the said canal, or to injure or damage the towing-paths or banks thereof, or any of the land or property of the company: And also that the board will pay to the company on demand the sum of fifty pounds at least for every twenty-four hours during which the traffic on the said canal may be wholly stopped for the purpose of constructing, examining, or repairing the said works or any of them, or for any other purpose connected therewith, and so in proportion for any less period than twenty-four hours, and will also pay to the company on demand any expense that may be incurred by them, and compensate them for any damage which the company may sustain by reason of the partial stoppage of or interruption of traffic on the

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. said canal for any of the purposes aforesaid; and the board will reinstate and make good as speedily as possible all damage which may be done by them to the canal, towing-paths, works, land, or property of the company in or during the construction, examination, repair, or restoration of any of the said works of the board, or that may arise or be occasioned from or by the existence of the last-mentioned works, or from any failure thereof, or of any of them, and in default of the board so doing after notice from the clerk to the company for the time being requiring the board so to do, the company may, if they think fit, reinstate and make good the same, and the expenses incurred by the company in so doing shall be a debt payable by the board to the company: And also that in case the construction, examination, or maintenance of the said sewer, or of any other of the said works of the board, shall occasion to the company any expense in carrying out certain works which they have in contemplation for the pumping, raising, or conveying of water from the lowest of the said locks to the said canal above the highest of the said locks, or with any other works of a similar character, over and above the expense they would have incurred in case the said sewer and other works had not been constructed, such additional expense shall on demand by the company be repaid by the board to the company, and shall be deemed a debt payable by the board to the company: And also that the board will pay to the company in perpetuity a rent of one pound per annum at Lady Day in each year, the first payment to be made at Lady Day one thousand eight hundred and sixty-nine: And also that the board will from time to time, and at all times hereafter, execute and do all such works and acts as may be necessary for preventing any portion of the sewage of the said borough from escaping, flowing, or passing into the said canal, and will, as far as possible, assist the company in their endeavours to keep the water in the said canal within the said borough free from pollution by sewage or other noxious or offensive matter. And it is hereby declared and agreed that the company shall not be liable for, and the board hereby for ever release the company from all liability for, any damage or injury that may be occasioned to the said sewer or any of the works connected therewith, or other the property of the board, in, by, or in consequence of the construction, maintenance, repair, or user of the said contemplated works of the company, or any works of the company of a similar character, or in, by, or in consequence of the user, maintenance, or repair of the said canal, towing-paths, banks, and works of the company, or any of them, or from the failure or want of repair thereof, or of any of them, or from any other cause except the wilful act of the company or their servants: And it is also declared and agreed that the company shall not be in any manner liable to any claim or demand by the board if it should be hereafter decided that these presents, or any agreement hereby entered into, or any grant hereby made, are or is ultra vires. And it is also declared and agreed that if for the purpose of effecting any improvement in the said canal, towing-paths, and works of the company, or any of them, or of constructing the said contemplated works of the company, or any works of the company of a similar character, the company shall deem it necessary to raise, sink, or otherwise alter the situation of the said sewer and other works of the board, or any of them, the company may from time to time by notice in writing by their clerk for the time being require the board to cause forthwith their said sewer and other works, or any

[32 & 33 VICT.] *The Wolverhampton Improvement* [Ch. cxxxi.]
Act, 1869.

A.D. 1869.


of them, to be raised, sunk, or otherwise altered in position in such manner as the company direct: Provided that such alteration be not such as permanently to injure such sewer and works, or to prevent the sewage from flowing as freely as before; and if the board do not proceed forthwith after the receipt of such notice to cause the same sewer and works to be raised, sunk, or altered in such manner as the company require, the company may themselves cause the same sewer and works to be raised, sunk, or altered as they think fit, and the expenses incurred by the company in so doing shall be a debt payable by the board to the company; provided that such works be not permanently injured thereby, or the sewage prevented from flowing as freely as before. And it is also declared and agreed that if any question or difference shall arise between the parties hereto as to the construction or meaning of these presents, or as to the performance and carrying out of the same by either party, or as to any other matter arising out of or connected with the subject matter of these presents, the same shall (except where otherwise provided by these presents) be referred to the arbitration of two indifferent persons, or to their umpire, pursuant to (and so as with regard to the mode and consequences of the reference, and in all other respects to conform to) the provisions in that behalf contained in "The Common Law Procedure Act, 1854," or any then subsisting statutory modification thereof. As witness the common seals of the said company and board respectively.

The seal of the Company of Proprietors of the Birmingham
Canal Navigations affixed hereto in the presence of

J. W. WILLIAMS.

HOWARD THOMAS,

Assistant Clerk to the Company.




Company's
Seal.

The corporate common seal of the borough of Wolverhampton
affixed hereto in the presence of

E. J. HAYES,

Town Clerk, and Clerk to the Local Board of Health.



Corporate
Seal.

IV.—AGREEMENT between ALEXANDER HORDERN, Esq., and CORPORATION,
by Council, as Local Board of Health.

This indenture, made the twenty-first day of August one thousand eight hundred and sixty-eight, between Alexander Hordern, of Oxley Manor in the parish of Bushbury in the county of Stafford, Esquire, of the one part, and the local board of health of the borough of Wolverhampton (herein-after called the board) of the other part: Whereas the said board having, in pursuance of the provisions of the statutes in that behalf, in the month of December one thousand eight hundred and sixty-six given notice to the said Alexander Hordern, as owner of certain lands situate in the parish of Bushbury and borough of Wolverhampton, of their intention to petition one of Her Majesty's Principal Secretaries of State for power to take such lands for the purposes of outfall and distribution of the sewage of the said borough, and the utilization of such sewage, and also the erection and construction of works and apparatus for effecting such purposes, and the said board having in the month of February

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869. — one thousand eight hundred and sixty-seven presented such petition praying that they might, with reference to the said lands, be allowed to put in force the powers of "The Lands Clauses Consolidation Act, 1845," with respect to the purchase and taking of land otherwise than by agreement, and the said Alexander Hordern having presented a memorial against the prayer of the said petition, an inquiry was held at Wolverhampton in the month of March one thousand eight hundred and sixty-seven, by order of Her Majesty's then Principal Secretary of State for the Home Department, before Arnold Taylor, Esquire, touching the matters in question between the said board and the said Alexander Hordern, and before any report was made to the Secretary of State, and during the said inquiry, certain terms of compromise were agreed upon between the said parties, and in pursuance thereof, by a memorandum of agreement dated the twenty-third day of March one thousand eight hundred and sixty-seven, made between the said Alexander Hordern and the said board in the matter of the said inquiry, the said Alexander Hordern agreed to grant to the said board a right to enter upon the lands belonging to him, and therein referred to, and to lay down in and across his property certain main culverts or covered sewers, with all necessary manholes, and also a right to use a certain way leading from the Stafford turnpike road. And the said Alexander Hordern agreed to sell or lease for twenty-one years those lands of his marked A, B, and C on the plan therein referred to, the rent or purchase money to be settled by arbitration as therein-after mentioned. And by the now reciting memorandum it was stipulated that a formal agreement to carry out the terms therein embodied should be prepared and executed by the said Alexander Hordern and the board. And whereas it has been agreed between the said parties hereto that the works to be executed by the said board in and upon the lands of the said Alexander Hordern shall be those herein-after mentioned and delineated on the plan and section herein-after referred to: Now this indenture witnesseth, that in pursuance of the said recited agreement, and for the purpose of effectuating the same and enabling the said board to proceed with their scheme for the main drainage of the said borough, and in consideration of the compensation to be fixed by arbitration as herein-after provided for, and of the covenants and agreements herein-after contained on the part of the said board, the said Alexander Hordern hereby grants unto the said board, their successors and assigns, a right to enter upon his lands and to construct and maintain in perpetuity the following works, namely, a sewage-duct or conduit over lands belonging to him delineated upon and in accordance with the plan and section hereunto annexed, between the points marked E and F and G and H, subject nevertheless to the covenant by the said board relating thereto herein-after contained; also the main culverts or covered sewers shown by green lines on the said plan; also a storm overflow weir in the south-west intercepting sewer at the point marked I on the said plan, with an outlet pipe or culvert to discharge into the watercourse used for irrigating the Dunstall meadows at the point marked J on the said plan, passing thence along such course by the points marked P to the point marked Z on the said plan, subject nevertheless as to the said storm overflow to the covenant of the said board relating thereto herein-after contained; also such and so many ventilators and manholes in the said main culverts or covered sewers as are shown on the said plan and the sections hereunto annexed, subject nevertheless as to the said

[32 & 33 VICT.] *The Wolverhampton Improvement* [Ch. cxxxi.]
Act, 1869.

A.D. 1869.

ventilators to the covenant of the said board relating thereto herein-after contained. And the said Alexander Hordern doth also grant unto the said board, their successors and assigns, a right to use the existing way leading from the Stafford turnpike road at the point marked X on the said plan, and proceeding in a westwardly direction across Oxley Moor Bridge to the point marked Y on the said plan, subject nevertheless as to the said right of road to the covenant of the board relating thereto herein-after contained. And the said Alexander Hordern, for himself, his heirs, executors, administrators, and assigns, covenants with the said board, their successors and assigns, that he, the said Alexander Hordern, his heirs or assigns, will or shall, in case the said board shall on or before the twenty-fifth day of March one thousand eight hundred and seventy-two so require, sell or let on lease for twenty-one years to the said board, with the right of pre-emption by them within the said term (to be exercised upon two years notice thereof at any time by the said Alexander Hordern, his heirs or assigns, to the said board requiring them so to purchase), those lands of his marked A, B, and C, and coloured pink on the annexed plan, the rent or purchase money to be settled as herein-after mentioned; and in consideration of the premises the said board, for themselves and their successors, covenant with the said Alexander Hordern, his heirs, executors, administrators, and assigns, as follows: that they will not place any works on the land of the said Alexander Hordern other than those shown on the said annexed plan and sections, and herein referred to, without the previous permission of the said Alexander Hordern, his heirs or assigns, nor apply to Parliament for compulsory powers over his or their lands for the purposes of receiving, storing, disinfecting, or distributing sewage on the eastern side of the Staffordshire and Worcestershire Canal; that the sewage-duct or conduit which the said board shall construct between the points marked E and F and G and H on the said plan and sections shall be covered by them in case the said Alexander Hordern, his heirs or assigns, shall require the same to be so covered, and within one calendar month after notice in writing to the said board, their successors or assigns, requiring the same; that the said board in constructing the arch of the sewage-duct at the point marked K on the said annexed plan shall lower the ground so as to give the same height of headway as that of the bridge under the Great Western Railway at the point marked L on such plan, or such lesser height as may be sanctioned by the surveyor of the said Alexander Hordern, his heirs or assigns; but in giving the said headway the said board shall not lower the surface of the land so as to make the incline of the approach to either arch steeper than 1 in 20, and the side walls of the arch to be erected at K shall be in a direct line with the side walls of the railway arch at L; that in constructing the sewer under the Great Western Railway the said board will not interfere with the approach to the occupation bridge under such railway at the point marked M on the said annexed plan; that the said board will within one calendar month, upon notice in writing being given to them by the said Alexander Hordern, his heirs or assigns, remove the said storm overflow from the point marked I on the said plan and reconstruct one in Dunstall Lane at the point marked N on the said plan, so that the same shall discharge by means of an outlet pipe or culvert, to be carried underground and to be constructed along the road between N and O, into Gorsebrook at the point

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 Vict.]
Act, 1869.

A.D. 1869.

marked O on the said plan; that the said board will upon like notice close or remove all or any of the ventilators to be constructed in so much of the main sewers as shall pass through the lands of the said Alexander Hordern; that the said board will not wilfully injure or interrupt the channels used for irrigation or drainage through the land of the said Alexander Hordern, and that they will restore, repair, or make compensation for all pipes, drains, culverts, or other property of the said Alexander Hordern, his heirs or assigns, that may be interfered with or damaged by them or their servants in the construction or maintenance of the said works; that the said board will construct the said sewerage works in accordance with the said annexed plan and sections, and will not deviate from the line and levels shown on the plans and sections, and will use their best endeavours to complete the same within twelve months from the date hereof, and in any event will complete the same within twenty-four months from the date hereof; that the said board will from time to time compensate the said Alexander Hordern, his heirs and assigns, for any damage or nuisance which may at any time be caused by the said board to the lands of the said Alexander Hordern by reason of the culverts to be placed through the same or any works to be erected by the said board thereon becoming out of repair, or by reason of the said board entering upon such land at any time to repair or ascertain the state and condition of the said culverts, or for any other purpose connected with the said works, and for any damage that may result from the said overflow weir and outlet pipe or culvert or other works of the said board; that the said board will, if required so to do by notice as herein-before provided for, fence off that part of the said road leading from the Stafford turnpike road from the points X to Y on the said annexed plan not already fenced off, and keep such road in good repair; and it is mutually covenanted and agreed between the said parties hereto that the amount of compensation to be paid to the said Alexander Hordern, his heirs, executors, administrators, or assigns, for the rights hereby granted, and for any damage that may be done to his said lands by the construction of the said works, but not any damage that may arise subsequently to the completion of the said works, shall within three calendar months from the completion of the said works be referred to Mr. William Fowler, of Birmingham, surveyor, on behalf of both parties, and in case of his death, refusal, or incapacity to act, then to some person to be agreed upon by the surveyors for the time being of the said borough of Wolverhampton and Alexander Hordern respectively, or failing such person, then by a person to be appointed in the mode prescribed by the Lands Clauses Consolidation Act, 1845, the costs of such reference and of all matters incident thereto to be borne by the said board unless the arbitrators shall award the same or a less sum than shall have been offered by the said board; but the said William Fowler or such other referee as aforesaid, in estimating the amount to be paid for such rights and the damage done by the construction of the said works, is to regard the said lands as agricultural lands without reference to their capacity as building land: And it is hereby also agreed that the said William Fowler or such other referee as aforesaid shall also fix and determine the rent or purchase money, as the case may be, to be paid by the said board for the said lands marked A, B, and C, and coloured pink on the said annexed plan.

[32 & 33 VICT.] *The Wolverhampton Improvement* [Ch. cxxxi.]
Act, 1869.

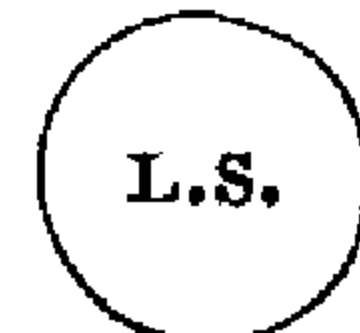
In witness whereof the said Alexander Hordern hath hereunto set his hand and seal, and the said board have caused the corporate common seal of the said borough to be affixed. A.D. 1869.

Sealed with the corporate common seal
of the borough of Wolverhampton
in the presence of
E. J. HAYES, Town Clerk, and
Clerk to the Local Board of
Health.



Signed, sealed, and delivered by the
within-named Alexander Hordern in
the presence of
JNO. S. RUTTER, Solicitor,
Wolverhampton.

ALEXANDER HORDERN.



THE FIFTH SCHEDULE.

REGULATIONS AS TO LODGING HOUSES.

I. The number of persons who may occupy a room for sleeping in shall be determined by the cubical contents of the room in the manner following:—If the room be used only as a sleeping room there shall not be more than one person (the term "person" to include man, woman, or child) to every three hundred cubical feet of air contained in such room. If the room be used both as a sleeping room and a day room, then there shall not be more than one person to every six hundred cubical feet of air contained in such room. And no room the ceiling of which is less than two feet above the level of the footpath or roading immediately adjoining; and no room used as a kitchen or scullery; and no room not lighted and ventilated directly from the exterior; and no room in the roof of the house not furnished with an open fireplace or flue for ventilating, shall be permitted to be occupied as a sleeping room, unless it be specially certified by a legally qualified medical practitioner, or one of the inspectors of lodging houses of the borough, as in his opinion fit to be so occupied without danger to the health of the occupants.

Cubical contents of rooms.

Certain rooms not to be used as sleeping rooms.

II. Every house or part of a house which is let in lodgings or occupied by members of more than one family shall, if required by the Corporation by a notice in writing served by their inspector, be distinguished by a number to be placed above the principal entrance thereto, to the satisfaction of the inspector, and shall be registered by such inspector in a book to be kept for that purpose, in the form appended to these regulations, specifying the name of the occupier, the name of the owner, and the number and cubical contents of the air-space of each room, within such house or part of a house; and it shall be incumbent upon the said occupier to keep a certificate of such registration as aforesaid (under the hand of the inspector, who is required to furnish such certificate),

Houses to be registered.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

- A.D. 1869. which certificate shall specify the number and date of such registration, with the contents of the air-space of such rooms, and shall be produced on demand to such inspector or his deputy, or any person authorized by the Corporation.
- Inspection of houses. III. The lodging-house inspectors or any one or more of them, or such other persons as may be specially appointed for the purpose by the Corporation, may, between the hours of six o'clock in the morning and ten o'clock in the evening, enter and inspect any house or part of a house which is let in lodgings or occupied by members of more than one family, for the purpose of ascertaining the state and condition thereof, and whether these regulations are observed and kept, or otherwise, and may further enter into such house or part of a house at any other time with the order of any magistrate having jurisdiction within the borough, which order the magistrate is authorized to give upon information being laid before him by the inspector, that he, the inspector, suspects that some one or more of the regulations herein contained is or are contravened in or about such house or part thereof.
- Obstruction to inspectors. IV. No person shall obstruct or hinder such inspectors or any of them in the execution of their duties.
- Ventilation. V. Every room to be occupied as a sleeping room shall have means provided to the reasonable satisfaction of the inspector for adequate ventilation; such means to be kept always in an efficient state, and to be used as frequently as possible, and at least once a day.
- Cleanliness. VI. The walls, floors, furniture, bedding, and utensils shall be at all times kept in a thoroughly clean and wholesome condition.
- Limewashing. VII. The passages, rooms, and other premises shall, when required by the inspector, be limewashed twice at least in the year, in the months of March and September, and at any other time appointed by such inspector.
- Occupation of sleeping rooms. VIII. Persons of opposite sexes shall not occupy the same sleeping apartment, except married persons, or parents and their children under fourteen, or other children under ten years of age.
- Regulations as to cases of fever. IX. In case of fever or any other infectious or contagious disease occurring in any such house or room as aforesaid, the keeper of such house or room shall forthwith give notice thereof to the inspector, so that he may inspect the same, and if he shall see fit he shall cause the provisions of sections 22 and 23 of the Sanitary Act, 1866, to be put in force with reference to such house or rooms or the articles contained in it, or if necessary shall also cause the provision of clause 26 of the said Act to be put in force with reference to the removal of persons sick of infectious disorders.
- Deaths. X. In case of any death taking place in any such house or room as aforesaid, the inspector may, if he see fit, take measures for the putting in force of section 27 of the Sanitary Act, 1866.
- Privy accommodation. XI. A privy or such other accommodation as the inspector shall determine to be necessary shall be provided for the use of any such house or room. The situation, dimensions, materials, and construction of every such privy or other accommodation shall be subject to the approval of the borough surveyor. And for every twelve persons a separate privy or other accommodation shall be

[32 & 33 VICT.] *The Wolverhampton Improvement* [Ch. cxxxi.]
Act, 1869.

provided. The privy or other accommodation shall be kept in clean and proper order. A.D. 1869.

XII. There shall be a proper supply of pure water conveniently accessible (to the satisfaction of the council of the borough) to each house or room as aforesaid, and proper accommodation for washing. Water supply.

XIII. The drains, sewers, and grids shall be properly trapped so as to prevent the effluvia coming up from the sewers or cesspools, and shall be kept clean and in good order in all respects. Drainage.

XIV. The yards and areas of every house as aforesaid shall be properly paved so as to effectually take off all waste water. Paving.

XV. Each room occupied as a sleeping apartment shall be furnished with bedsteads and sufficient bedding for the number of lodgers authorized to be in such room. Sleeping rooms to be furnished with sufficient bedsteads, &c.

XVI. The floors, walls, and ceilings of every house or part of a house which is let in lodgings or occupied by members of more than one family shall be kept in proper repair, and thoroughly dry and free from damp; and the roof thereof in proper repair and condition by the owner. Repairs of floors, walls, &c.

XVII. The person letting such house or part of a house shall attend any meeting of the council or the sanitary committee thereof to which he shall be summoned by letter or notice left at least three clear days beforehand at the house referred to, to answer any complaint made against him in respect of neglect of these regulations; and shall forthwith carry out such order as he may receive from the council or sanitary committee made with a view to bring his house into conformity therewith. Persons to attend council or committee meetings.

XVIII. If at any time after it has been registered any such house or part of a house has, in the opinion of the sanitary committee, become unfit to be occupied in lodgings, the committee may prohibit such house or part of a house from being used as a lodging house, and the person in whose name the place has been registered shall, within seven days after receiving notice of such prohibition, cease to use such house or part of a house as a lodging house; and such house or part of a house shall not be again let in lodgings until the same has been put into proper condition and made fit for the reception of lodgers to the satisfaction of the sanitary committee, and until the same is registered. Power to prohibit house to be used as a lodging house.

XIX. None of the foregoing regulations shall apply to any house, or the owner or the occupier thereof, (unless such house be used as a beer-house, wine shop, refreshment house, or coffee shop, in which cases they shall apply,) the rateable value whereof according to the last rate for the time being for the relief of the poor amounts to 15*l.* or upwards, unless and until the Corporation give a notice in writing to such owner or occupier, declaring that such house shall, from a date to be named in such notice, be and continue subject to such regulations; and from and after such date such house, and the owner or occupier thereof, shall be accordingly subject to such regulations. Regulations not to apply to houses rated at 15*l.* without notice, except as beer-houses, &c.

XX. Any person, whether as owner or occupier of any house or part of a house which is let in lodgings or occupied by members of more than one family, who shall offend against any of the foregoing regulations, shall be liable to a Penalty for breach of regulations.

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 Vict.]
Act, 1869.

A.D. 1869. — penalty not exceeding forty shillings for any one offence, with an additional penalty not exceeding ten shillings for every day during which default in obeying such regulations may continue.

Interpretation. XXI. Any room used during both day and night as a sleeping room shall be understood as a "day room." The person who receives the rents either on his own account or as agent to the owner, or as clerk or servant to such agent, shall be deemed to be the owner; and so long as his name stands on the register as owner or receiver of rents, such register shall be at all times received as proof of such ownership. The term "inspectors" or "inspector" includes all or any persons or person appointed by the council of the borough, under or for the purposes of the Sanitary Act, 1866, or for carrying into effect these regulations.

FORM ABOVE REFERRED TO.

Entry _____ No. _____

No. _____ house or room.

Registered occupier _____

Owner _____

Registered to accommodate _____ persons.

In room No. 1.	In room No. 2.	In room No. 3.	In room No. 4.	In room No. 5.	In room No. 6.	Total.

Dated this _____ day of _____ 18 .

(Signed) _____ *Inspector.*

THE SIXTH SCHEDULE.

A.D. 1869.

WATER LIMITS.

The parishes of Donnington, Albrighton, Boningale otherwise Bonninghall, in the county of Salop, and the parishes of Tettenhall, Codsall, Wolverhampton, Bushbury, and Penn in the county of Stafford, and so much and such parts of the parishes of Womborne and Sedgley respectively in the county of Stafford as lie north of an imaginary line commencing at a point on the Staffordshire and Worcestershire Canal at the centre of the Bratch Bridge, continuing thence in an eastwardly direction along the centre of the road leading to Sedgley as far as Woodhouse Mill, thence in a north-eastwardly direction along the course of the brook supplying that mill as far as a point in that brook west of Sedgley Beacon, thence continuing in an eastwardly direction in a straight line through the centre of the beacon tower to a point where such line meets the Stour Valley branch of the London and North-western Railway, thence continuing in a south-eastwardly direction along the centre of the line of that railway for the distance of about two furlongs and a half to a bridge over the said railway on the road leading from Fullers (or Fullwoods) End to Coseley, thence continuing in a north-eastwardly direction through Coseley to the Rotten Brunts turn of the Birmingham Canal, thence continuing on the line of that canal by the Bradley Locks to the Bull Lane Bridge on the Walsall level of the Birmingham Canal Navigation, thence following the boundary of the parish of Wolverhampton through Moxley to the same canal again, and thence along the line of the same canal to the Bentley Heath furnaces on the Anson branch of the same canal.

THE SEVENTH SCHEDULE.

TABLE A.

GENERAL RETAIL MARKET TOLLS.

SHOPS.

From the occupier of every enclosed shop, whether for sale or show of any article, according to the size and dimensions of such shop, namely—

For each lineal foot of frontage thereof—	£	s.	d.
If taken by the quarter, any quarterly sum not exceeding	- 0	12	6
If taken by the week, any weekly sum not exceeding	- 0	1	0

BUTCHERS STALLS.

From the occupier of every butcher's stall, according to the size and dimensions of the same, namely—

For each lineal foot of frontage thereof—	£	s.	d.
If taken by the quarter, any quarterly sum not exceeding	- 0	8	0
If taken by the week, any weekly sum not exceeding	- 0	0	8
If otherwise taken or occupied, for each day any daily sum not exceeding	- 0	0	6

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.

FRUIT, VEGETABLE, AND OTHER STALLS.

£ s. d.

From the occupier of any stall raised above the ground for the sale or show of any article (except butchers meat), according to the size and dimensions of such stall, namely—

For each lineal foot of frontage thereof—

If taken by the quarter, any quarterly sum not exceeding	-	0	8	0
If taken by the week, any weekly sum not exceeding	-	0	0	8
If otherwise taken or occupied, for each day any daily sum not exceeding	-	0	0	2

STANDS AND BENCHES.

From the occupier of any stand or bench raised above the ground, according to the size and dimensions of the same, namely—

For each superficial square foot thereof or fractional part of the same—

If taken by the quarter, any quarterly sum not exceeding	-	0	3	0
If taken by the week, any weekly sum not exceeding	-	0	0	3
If otherwise taken or occupied, for each day any daily sum not exceeding	-	0	0	1

GROUND SPACE.

From the occupier of each compartment or space on the surface of the ground for the sale or show of any article, according to the size and dimensions of such compartment or space, namely—

For each superficial square foot thereof or fractional part of the same—

If taken by the quarter, any quarterly sum not exceeding	-	0	3	0
If taken by the week, any weekly sum not exceeding	-	0	0	3
If otherwise taken or occupied, for each day any daily sum not exceeding	-	0	0	1

TABLE B.

WHOLESALE MARKET TOLLS.

For every vehicle with four wheels drawn by any beast, or used by any person for selling, offering, or exposing for sale any article, for each day any daily sum not exceeding	-	0	2	0
For every vehicle with two wheels drawn by any beast, or used by any person for a like purpose, for each day any daily sum not exceeding	-	0	1	0
For every handcart, truck, or wheelbarrow used for a like purpose, for each day any daily sum not exceeding	-	0	0	6

[32 & 33 VICT.] *The Wolverhampton Improvement* [Ch. cxxxii.]
Act, 1869.

	£	s.	d.	A.D. 1869.
For each compartment or space upon the surface of the ground used by any person for the purpose of selling, offering, or exposing for sale any agricultural implement or any manufactured article, farm produce, fruit, vegetables, or any other article, according to the size and dimensions of such compartment of space, namely—				—
For each superficial square foot thereof or any fractional part of the same—				
If taken by the quarter, any quarterly sum not exceeding	0	2	0	
If taken by the week, any weekly sum not exceeding	0	0	2	
If otherwise taken or occupied, for each day any daily sum not exceeding	0	0	0½	

TABLE D.

ANNUAL FAIR.

For each and every superficial square foot of ground space occupied by any person for the exhibition of wild beasts, or for any show or performance, or for any stall, stand, bench, or place used, occupied, or taken by any person for the purpose of selling, offering, or exposing for sale any article, or for any other purpose, the daily sum of not exceeding	0	0	0½	
---	---	---	----	--

TABLE E.

WEIGHING AND MEASURING TOLLS.

For weighing any vehicle with four wheels, whether loaded or empty	0	0	4	
For weighing any vehicle with two wheels, whether loaded or empty	0	0	2	
For weighing any article not weighing more than 20 lbs.	0	0	0½	
If exceeding 20 lbs. and not exceeding 240 lbs.	0	0	1	
For every additional 240 lbs. or any fractional part thereof	0	0	1	
For measuring the height of any animal	0	0	1	

TABLE F.

CATTLE MARKET TOLLS.

For every horse or mule under 13 hands high	0	0	4	
For every horse or mule 13 hands high and upwards	0	0	6	
For every foal, ass, or calf	0	0	2	
For every bull, cow, steer, or heifer	0	0	4	
For every sheep, lamb, or goat	0	0	1	
For every pig not exceeding 20 lbs.	0	0	0½	
For every pig exceeding 20 lbs. and not exceeding 200 lbs.	0	0	1	
For every pig exceeding 200 lbs.	0	0	2	

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.	FAT PIG SHED AND PEN RENTS.	£ s. d.
	For every horse, ass, or mule placed under the covered space of the market, for each day - - - - -	0 0 4
	If taken by the quarter, for each lineal yard thereof a quarterly sum of - - - - -	0 2 0
	For every pen or shed in the fat pig market occupied by any person for the sale or show of pigs or calves, for each day - - -	0 0 6
	For every lair or pen occupied by any person in the open market for the sale or show of any bull, cow, steer, or heifer, the daily sum of	0 0 4
	If taken by the quarter, the quarterly sum of - - - - -	0 2 0
	For every pen occupied by any person in the open market for the sale or show of any pig, sheep, lamb, or goat, the daily sum of -	0 0 2
	If taken by the quarter, the quarterly sum of - - - - -	0 1 0

LODGING RENTS.

For every horse, ass, or mule placed in the market previously to the market day, for each night so placed, in addition to the above tolls - - - - -	0 0 4
For every bull, cow, steer, or heifer so placed - - - - -	0 0 3
For every calf or pig if exceeding 200 lbs. so placed - - - - -	0 0 1
For every pig if not exceeding 200 lbs. so placed - - - - -	0 0 0½
For every sheep, lamb, or goat so placed - - - - -	0 0 0½

TABLE G.

DAILY HAY, STRAW, AND OTHER TOLLS.

For every 5 cwt. or any less quantity of hay, straw, or any like article - - - - -	0 0 2
For every 10 cwt. or any less quantity of green grass, green clover, green vetches, salt, coal, cokes, charcoal, or turf - - - - -	0 0 2

TABLE H.

SLAUGHTER-HOUSE TOLLS.

For every bull, cow, steer, or heifer - - - - -	0 2 0
For every calf - - - - -	0 0 4
For every pig if not exceeding 200 lbs. - - - - -	0 0 4
For every pig if exceeding 200 lbs. - - - - -	0 0 6
For every sheep, lamb, or goat - - - - -	0 0 2
For any other beast - - - - -	0 2 0

THE EIGHTH SCHEDULE.

A.D. 1869.

No. 1.

FORM OF ORDER FOR SEWERING, PAVING, &c.

Wolverhampton Improvement Act, 1869.

The day of 18 .

It is resolved and ordered by the Council of the borough of Wolverhampton that on or before the day of 18 the following streets

[A. Street] [B. Street]

be freed from obstruction, sewered, drained, levelled, flagged, paved, [or macadamized] and otherwise completed, at such levels, with such inclinations, and with such sewers and drains of such dimensions as are shown on the plans and sections deposited in the office of the borough surveyor, and with the materials and in the manner herein-after specified; namely,

[Here specify nature of materials, &c.]

[E.J.H.] Town Clerk.

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

No. 2.

FORM OF NOTICE FOR EXECUTION OF WORKS, &c.

Wolverhampton Improvement Act, 1869.

The Corporation of the borough of Wolverhampton hereby give you notice that you are ordered and required, on or before the day of 18 ,* to execute and do the works and things hereunder specified.

Dated this day of 18 .

[A.M.] Borough Surveyor.

To X.Y., of

[Here specify the works, &c. required.]

* Insert here, where the nature of the notice so requires, "not later than the hour of o'clock in the noon."

No. 3.

FORM OF NOTICE OF INTENTION OF CORPORATION TO EXECUTE WORKS, &c.

Wolverhampton Improvement Act, 1869.

The Corporation of the borough of Wolverhampton hereby give you notice that they intend to execute and do the works and things hereunder specified.

Dated this day of 18 .

[A.M.] Borough Surveyor.

To X.Y., of

[Here specify the works, &c. intended.]

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.,]
Act, 1869.

A.D. 1869.

No. 4.

FORM OF WARRANT OF AUTHORITY FROM JUSTICE.

Wolverhampton Improvement Act, 1869.

I *A.B.*, Esquire, one of Her Majesty's justices of the peace for the borough of Wolverhampton, hereby authorize you [*here specify the act authorized*], for doing which this shall be your warrant.

Dated this day of 18 .

[*C.D.*]

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

No. 5.

FORM OF AUTHORITY FROM CORPORATION.

Wolverhampton Improvement Act, 1869.

The Corporation of the borough of Wolverhampton hereby authorize you
[*Here specify the act authorized.*]

Dated this day of 18 .

[*E.J.H.*] Town Clerk.

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

No. 6.

FORM OF ORDER AS TO UNDERGROUND DWELLINGS.

Wolverhampton Improvement Act, 1869.

The Corporation of the borough of Wolverhampton hereby give you notice that they order and require that the occupation as a separate dwelling of the cellar [*or vault, or underground room*] hereunder specified be from the expiration of one calendar month from the service hereof on you discontinued.

Dated this day of 18 .

[*E.J.H.*] Town Clerk.

To *X.Y.*, of

[*Here specify cellar, &c.*]

No. 7.

FORM OF DECLARATION OF HIGHWAY.

Wolverhampton Improvement Act, 1869.

The day of 18 .

It is resolved and declared by the Council of the borough of Wolverhampton that the following street, namely [*A.* Street] is a public highway.

[*E.J.H.*] Town Clerk.

[32 & 33 VICT.] *The Wolverhampton Improvement Act, 1869.* [Ch. cxxxi.]

No. 8.

A.D. 1869.

FORM OF RATE BOOK.

An Assessment to the Improvement Rate under the Wolverhampton Improvement Act, 1869, for the borough of Wolverhampton in the county of Stafford, made the _____ day of _____ 18 .

Number of the rate.	Name of the person rated.		Description of property.	Situation of property.	Rateable value.	Amount of rate at in the pound.
	Occupier.	Owner.				

Signed by me this _____ day of _____ 18 .
[E.J.H.] Town Clerk.

No. 9.

FORM OF NOTICE OF RATE.

Wolverhampton Improvement Act, 1869.

The Corporation of the borough of Wolverhampton hereby give notice that an improvement rate has this day been made, and that the book in which the same is written is deposited in the _____ office at the Town Hall.

Dated this _____ day of _____ 18 .
[E.J.H.] Town Clerk.

No. 10.

FORM OF WARRANT OF DISTRESS FOR RECOVERY OF WATER RENTS, IMPROVEMENT RATES, &c.

Borough of Wolverhampton (to wit):

To the mayor, aldermen, and burgesses of the borough of Wolverhampton in the county of Stafford [and to their collectors of water rents or improvement rates, or as the case may be], and to the constables of the said borough.

These are in Her Majesty's name to command you to levy the sum of _____ by distress of the goods and chattels of A.B., of _____, being the amount [or being the balance remaining unpaid of the amount, or being an agreed instalment due of the amount, as the case may be] of water rents [or improvement rates, or as the case may be] accrued due from him to the said mayor, aldermen, and burgesses up to the _____ day of _____ 18 , and if the same is not paid within the space of _____ days next after such distress by you taken, together with the reasonable charges of taking and keeping the same

[Ch. cxxxi.] *The Wolverhampton Improvement* [32 & 33 VICT.]
Act, 1869.

A.D. 1869.

that then you do sell the goods and chattels by you distrained, and out of the money arising from such sale that you do retain the said sum, and also your reasonable charges of taking, keeping, and selling the said distress, rendering to the said *A.B.* the overplus on demand; and if sufficient distress cannot be found of the goods and chattels of the said *A.B.* whereon to levy the said sum, that then you do certify the same to me, together with this warrant, to the end that such further proceeding may be had thereon as to the law doth appertain.

Given under my hand and seal the _____ day of
one thousand eight hundred and _____

No. 11.

FORM OF MORTGAGE.

Wolverhampton Improvement Act, 1869.

Mortgage No. _____ £

By virtue of the above-mentioned Act the mayor, aldermen, and burgesses of the borough of Wolverhampton, in consideration of pounds paid to them by *A.B.*, of _____, grant to him, his executors, administrators, and assigns, the corporate estates and _____ fund of the borough, to hold until the said sum of _____ be repaid to him or them, with interest at the yearly rate of _____ in the hundred, by equal half-yearly payments on the _____ day of _____ and the _____ day of _____ in every year from the day of the date hereof, the principal to be repaid on the _____ day of _____ at the option of either party, and all payments to be made at the office in Wolverhampton of the treasurer of that borough.

Given under the seal of the mayor, aldermen, and burgesses, this _____ day of _____ one thousand eight hundred and _____

No. 12.

FORM OF TRANSFER OF MORTGAGE.

Wolverhampton Improvement Act, 1869

I, *A.B.*, of _____, in consideration of pounds _____ paid to me by *C.D.*, of _____, transfer to him, his executors, administrators, and assigns, the mortgage No. _____ of the corporate estates and _____ fund of the borough of Wolverhampton, or _____ pounds, and interest at the yearly rate of _____ in the hundred, granted on the _____ day of _____ by the mayor, aldermen, and burgesses of that borough [*or, if the transfer be by endorsement, the within-written security*], and all my right and interest in and under the same.

As witness my hand and seal this _____ day of _____ one thousand eight hundred and _____