



CHAP. clx.

An Act to enable the Corporation of Blackburn to construct Works for Sewage Utilization ; to acquire Lands for that purpose ; to provide a Cattle Market ; to improve the Borough ; and to raise further Moneys ; and to confer upon the Corporation additional Powers ; and for other purposes. A.D. 1870.
[9th August 1870.]

WHEREAS the borough of Blackburn, in the county palatine of Lancaster (in this Act called "the borough"), is a municipal borough under the government of the mayor, aldermen, and burgesses of the borough (in this Act called "the Corporation"), and is regulated by the general Acts relating to municipal corporations in England and Wales, and by "The Blackburn Improvement Act, 1854" (in this Act referred to as the Act of 1854), and the several Acts incorporated therewith : 17 & 18 Vict.
c. cxxxiii.

And whereas by the Act of 1854 the properties and powers of the Blackburn Improvement Commissioners were vested in the Corporation, and the Corporation were authorised (amongst other things) to execute certain works for the improvement of a river called the Blakeburn or Blakewater, within the borough ; for the completion of the Town Hall and Sessions House, then in course of erection by the said Commissioners ; for the erection of other public offices and buildings ; for the improvement of the streets of the borough ; for the providing and maintenance of a public park or recreation ground ; for the providing and establishment of markets and market places for the borough ; and for other improvements within the borough ; and the Corporation were also authorised to raise money for the purposes of that Act by levying rates, and also by borrowing any sum of money not exceeding seventy thousand pounds on the credit of those rates, and of the properties vested in the Corporation as aforesaid ; and the same Act also provided that the then existing debts of the said Commissioners should be paid by the Corporation out of the said rates :

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And whereas the said Commissioners were indebted in the sum of nineteen thousand four hundred pounds, and the Corporation have likewise expended in the before-mentioned works, authorised by the Act of 1854, the further sum of sixty-five thousand seven hundred and sixty-four pounds six shillings and elevenpence halfpenny, making an aggregate charge on the Corporation of eighty-five thousand one hundred and sixty-four pounds six shillings and elevenpence halfpenny :

And whereas by the Act of 1854 (section seventy-three) two sums of two thousand and seventy pounds six shillings and eightpence and nine hundred and fifty-one pounds six shillings and eightpence, making together three thousand and twenty-one pounds thirteen shillings and fourpence, with the accumulated interest thereon, being the purchase moneys of portions of the Town's Moor then due to the overseers of the poor of the township of Blackburn from the Blackburn Railway Company and the East Lancashire Railway Company, were transferred to the Corporation, and directed to be laid out in the providing and maintenance of a public park or recreation ground :

And whereas the said sum of three thousand and twenty-one pounds thirteen shillings and fourpence, with a sum of one thousand six hundred and thirty pounds five shillings and sixpence accumulation of interest thereon, making together the sum of four thousand six hundred and fifty-one pounds eighteen shillings and tenpence, was paid by the said railway companies to the Corporation, and has been expended by the Corporation in manner directed by the Act of 1854, in reduction of part of the above-mentioned aggregate charge on the Corporation :

And whereas the Corporation have raised by borrowing on mortgage under the authority of the Act of 1854, for the purposes of such aggregate charge, the sum of sixty-nine thousand four hundred and forty pounds ten shillings, which, with the said four thousand six hundred and fifty-one pounds eighteen shillings and tenpence, makes seventy-four thousand and ninety-two pounds eight shillings and tenpence raised and received towards the said eighty-five thousand one hundred and sixty-four pounds six shillings and elevenpence halfpenny, and leaves the Corporation indebted in respect of the last-mentioned sum in a balance of eleven thousand and seventy-one pounds eighteen shillings and three halfpence :

And whereas of the said sixty-nine thousand four hundred and forty pounds ten shillings the sum of twenty-two thousand six hundred and seventy pounds have been repaid by means of the sinking fund authorised by that Act, leaving forty-six thousand seven hundred and seventy pounds ten shillings now owing upon such mortgages, and there is now standing to the credit of such

sinking fund the further sum of six thousand and eighty-eight pounds five shillings and eightpence applicable to the further reduction of such mortgages: A.D. 1870.

And whereas, after deducting the last-mentioned sum, the Corporation are, under the circumstances aforesaid, now indebted in respect of the Act of 1854 and the old debt of nineteen thousand four hundred pounds in the total sum of fifty-one thousand seven hundred and fifty-four pounds two shillings and fivepence halfpenny:

And whereas by the Act of 1854 "The Towns Improvement Clauses Act, 1847," was incorporated therewith, and under the authority of the last-mentioned Act the Corporation have executed certain works with respect to making and maintaining public sewers within the borough, and sewage outfall works and tanks, and other works connected therewith respectively, and the total expenditure of the Corporation in such last-mentioned works amounts to sixty-eight thousand and eighty-one pounds six shillings and one penny halfpenny:

And whereas the Corporation have raised by borrowing on mortgage of the general sewer rate authorised to be levied by "The Towns Improvement Clauses Act, 1847," and for the purposes of the last-mentioned works, the sum of sixty-six thousand one hundred and fifty-seven pounds, leaving the Corporation indebted in respect of the said sum of sixty-eight thousand and eighty-one pounds six shillings and three halfpence in a balance of one thousand nine hundred and twenty-four pounds six shillings and three halfpence:

And whereas of the said sum of sixty-six thousand one hundred and fifty-seven pounds the sum of eighteen thousand five hundred and five pounds have been repaid by means of a sinking fund set apart under the provisions of that Act out of the general sewer rate, leaving forty-seven thousand six hundred and fifty-two pounds now owing upon such last-mentioned mortgages:

And whereas the Corporation are, under the circumstances aforesaid, now indebted in respect of "The Towns Improvement Clauses Act, 1847," in the total sum of forty-nine thousand five hundred and seventy-six pounds six shillings and one penny halfpenny:

And whereas for better enabling the Corporation to give employment, by the execution of works of public utility and sanitary improvement, to the labouring and manufacturing classes within the said borough thrown out of employment by reason of the closing of mills and factories, the Corporation, under the provisions of "The Public Works (Manufacturing Districts) Act, 1863," borrowed from the Public Works Loan Commissioners two sums of seventy-eight thousand three hundred pounds and sixty-five thousand

A.D. 1870. — eight hundred and twenty-five pounds, making together one hundred and forty-four thousand one hundred and twenty-five pounds, to be repaid, according to the exigency of the same Act, by annual instalments not exceeding thirty, and of which total sum the sum of fifteen thousand three hundred and thirty-three pounds six shillings and eightpence has been repaid accordingly, leaving one hundred and twenty-eight thousand seven hundred and ninety-one pounds thirteen shillings and fourpence now owing in respect thereof, and a sum of sixteen thousand seven hundred and sixty-five pounds nineteen shillings and sevenpence has also been paid for interest on the same loans :

And whereas under the circumstances herein appearing the Corporation is indebted in the total sum of two hundred and thirty thousand one hundred and twenty-two pounds one shilling and elevenpence, but the amount upon which the annual instalments to be paid or set apart for the repayment of the moneys borrowed on mortgage as aforesaid is calculated is two hundred and seventy-nine thousand seven hundred and twenty-two pounds ten shillings, being the total amount of the moneys so borrowed :

And whereas the Corporation are the sewer authority under "The Sewage Utilization Act, 1865," and "The Sewage Utilization Act, 1867," and as such have certain powers with respect to the sewage and sewage matter of the borough, and its application to land for agricultural and other purposes, and with respect to the acquisition of lands for those purposes :

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

And whereas the Act of 1854 requires amendment in divers particulars ; and it is expedient that better provision be made for the regulation, under the supervision of the Corporation, of new streets, buildings, and drains in the borough, and otherwise to provide for the sanitary regulation and good government of the borough :

And whereas it is expedient that the Corporation be empowered to execute works for making new streets and improvements of streets : A.D. 1870.

And whereas it is expedient that better provision be made respecting markets and fairs for the sale of cattle, horses, and other animals within the borough, and that the powers and authorities of the Corporation in relation to markets and fairs within the borough be extended and enlarged :

And whereas it is expedient that the present borrowing powers of the Corporation be altered and enlarged, and that they be empowered to raise further moneys for the purposes of the Act of 1854, and of "The Towns Improvement Clauses Act, 1847," and of this Act :

And whereas the said sum of one hundred and forty-four thousand one hundred and twenty-five pounds, borrowed from the Public Works Loan Commissioners, was so borrowed in order to provide for exceptional circumstances of a pressing and grave character, and would not have been borrowed but for those circumstances, and it is therefore expedient to relieve the ratepayers of the borough by extending the period for repayment of the sums borrowed and to be borrowed under the Act of 1854, and "The Towns Improvement Clauses Act, 1847," and this Act, and that the provisions of the Act of 1854, and "The Towns Improvement Clauses Act, 1847," as to setting apart a sinking fund, and as to the repayment of moneys borrowed under the authority thereof respectively, be repealed and altered :

And whereas there was included in the before-mentioned sum of eighty-five thousand one hundred and sixty-three pounds six shillings and elevenpence halfpenny an expenditure of fifty-four thousand five hundred and forty-four pounds upon the erection of the said Town Hall and Sessions House and a fire brigade station, and the providing of fire engines and apparatus, and a public park, being respectively corporate purposes to which the borough fund of the said borough is properly applicable, and it is expedient that those properties should be vested in the Corporation as part of their corporate property, and that the last-mentioned sum, and the future interest of moneys borrowed or applied for the said purposes, and the charge of maintaining the same and the borough fire brigade should be transferred to the borough fund of the borough :

And whereas it would be a saving of great expense to the Corporation if and it is therefore expedient that the rates leviable by them under the Act of 1854 and "The Towns Improvement Clauses Act, 1847," should be consolidated into one rate, and the other provisions herein-after contained made with respect thereto :

And whereas it is expedient, in addition to the special powers of

A.D. 1870. taking land for the special purposes of this Act, to confer upon the Corporation, for the general purposes of this Act and the Act of 1854, the same powers of taking lands as are conferred upon local boards of health by the seventy-fifth section of "The Local Government Act, 1858," and any Act amending the same :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

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

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

PART I.—PRELIMINARY CLAUSES.

Short title. 1. This Act may be cited for all purposes as "The Blackburn Improvement Act, 1870."

Provisions of general Acts herein named incorporated. 2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act ; (namely,)

"The Lands Clauses Consolidation Acts, 1845, 1860, and 1869,"
 "The Markets and Fairs Clauses Act, 1847," the provisions of
 "The Railways Clauses Consolidation Act, 1845," with respect
 to the temporary occupation of lands near the railway during
 the construction thereof, and also sections 10, 11, 12, 15, and
 16 of that Act ; and for the purposes of this Act the expression
 "the railway" in the last-mentioned Act means the respective
 works by this Act authorised, and the expression "the Company"
 in that Act means "the Corporation."

Interpretation of terms. 3. In this Act and the Act of 1854 the words "street" and "streets," in addition to the meanings by the Act of 1854 assigned thereto, and unless there be something in the subject or context repugnant to such construction, shall mean and include any back road, cross road, and other way whatsoever, other than a covered

passage, which is part of and leads solely to a private dwelling-house or other building or land; and the words "back road" mean a road upon which the backs alone of dwellings abut, and the words "cross road" mean a road leading from any street upon which the fronts of dwellings abut to any back road:

And, subject to the preceding interpretations, the several words and expressions in this Act to which meanings are assigned by the Act of 1854, or by the Acts wholly or partially incorporated herewith, have the same respective meanings, unless there be something in the subject or context repugnant to such construction:

And in this Act the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute:

The expression "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:

The expression "the surveyor" means the surveyor of the Corporation for the time being:

The expression "cattle" means bulls, oxen, cows, steers, heifers and calves, sheep, rams, wethers, ewes and lambs, goats, kids, and swine:

The expression "horses" means horses, mares, geldings, foals and fillies, and includes asses and mules.

4. This Act and so much of the Act of 1854 as remains unrepealed shall be construed together as one Act, and for this purpose the expression "this Act" used in the unrepealed portion of the Act of 1854 shall include the present Act, and wherever the unrepealed portion of the Act of 1854 and this Act contain provisions for effecting the same or a similar object, but in different modes, the Corporation may proceed under the Act of 1854 or this Act, and the provisions of each of the said Acts shall, so far as may be consistent with the provisions of this Act, respectively be applicable to all matters and things arising under the other of the said Acts: Provided that in all cases in which any of the provisions of this Act are contradictory to or inconsistent with the unrepealed provisions of the Act of 1854, or any of them, the provisions of this Act shall supersede or, as the case may be, control the provisions of the Act of 1854.

This Act and recited Act, to be read as one.

Corporation may proceed under either of two similar provisions in this Act and Act of 1854.

Provisions of this Act to overrule those of Act of 1854.

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Powers of Act to be cumulative.

5. Except where otherwise herein expressly provided, 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 by any Act of Parliament, charter, law, or custom, and the Corporation may exercise such other powers in the same manner as if this Act had not been passed.

Act to be executed by council.

6. The Corporation, by the council of the borough, shall be and they are hereby empowered to carry this Act into execution.

Regulations as to committees of council.

7. The council may appoint out of their own body one or more committee or committees for the execution of any of the purposes of the Act of 1854 or any Act incorporated therewith, or this Act, and may delegate to each such committee such of the powers and duties of the Corporation under such respective Act as the council think fit, and the acts and proceedings of every such committee, within the limits of such delegation, shall be deemed the acts and proceedings of the council, and the quorum of each such committee shall be such as the council direct, and the council may from time to time make such regulations as they think fit for the guidance of any such committee, and the council may from time to time remove any members of any such committee, and appoint in the stead of them or any of them other members of the council: Provided that no such appointment or delegation shall be made unless a majority consisting of two-thirds at the least of the members present at a meeting of the council duly convened for the purpose so decide.

PART II.—AS TO AMENDMENT OF ACT OF 1854.

Effect of repeal of provisions of Act of 1854.

8. Whenever any of the provisions or parts of provisions of the Act of 1854 are hereby repealed, then, except only as is by this Act otherwise expressly provided, everything already done or suffered under the said provisions and parts respectively shall be as valid as if they were not repealed, and the repeal thereof and this Act respectively shall accordingly be subject and without prejudice to everything already done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which, if the said provisions and parts were not repealed and this Act were not passed, would be incident to, or consequent upon, any and every thing so done and suffered.

Repeal of section 24 of Act of 1854 as to width of new streets, and the provision

9. The twenty-fourth section of the Act of 1854 is hereby repealed, and in lieu thereof be it enacted as follows: It shall not be lawful to make or lay out any new street within the borough, other than a back road or cross road, of less width than thirty-six feet, nor any back road or cross road of less width than twelve feet, and

there shall be one entrance at least to every such street, back road, and cross road of the full width thereof, and open from the ground upwards, and such width shall, in streets other than back roads or cross roads, be the width of the carriage and footway only; exclusive of any gardens or forecourts, open areas, or other spaces in front of the houses or buildings erected or intended to be erected in any street, and shall be measured at right angles to the course or direction of such street; and if any person shall make or lay out any new street, back road, or cross road contrary to the provisions of this section, he shall be liable to a penalty not exceeding one pound for every day during which any such street, back road, or cross road shall not be in accordance with the requirements of this section.

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herein named
to be in lieu
thereof.

10. The twenty-fifth section of the Act of 1854 is hereby repealed, and in lieu thereof be it enacted as follows: Every person who shall intend to make or lay out any new street within the borough, whether the same is intended to be used as a public way or not, shall give notice in writing thereof to the surveyor, and shall furnish him with a plan (in duplicate) of the intended new street, drawn on an accurate scale of not less than one inch to ten yards, and a section (in duplicate) drawn on an accurate scale of not less than an inch to ten yards horizontally and an inch to ten feet vertically, and such plan shall show thereon the names of the owner or owners of the lands through or over which the street is intended to pass, and its proposed width and direction, and its position relatively to the streets adjoining or leading thereto, and the name and address of the person intending to lay out the new street, and shall be signed by him or his agent, and every such section shall show thereon the level of the present surface of the ground above some known fixed datum near the same, the level and rate of inclination of the intended new street, the level and inclination of the streets with which it will be connected; and it shall not be lawful for any person to make or lay out any new street until such notice shall have been given, and such plans and sections shall have been approved by the surveyor, and in case the same shall be so approved, then, previous to the commencement of any building in any such street (not being a back road or cross road), side or curbstones shall be placed along the intended footpaths for the whole length of such intended new street by the person intending to make or lay out the same in the proposed line and level thereof, and the roadway thereof shall be formed; and if any person shall make or lay out any new street within the borough without having given such notice, and without having obtained such approval as aforesaid, and otherwise complied with the provisions aforesaid, he shall be liable to a

Repeal of
section 25 of
Act of 1854
as to notices,
plans, and
sections of
new streets
to be fur-
nished, and
the pro-
visions
herein named
to be in lieu
thereof.

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penalty not exceeding ten pounds, and the Corporation or their surveyor may, if they or he think fit, cause any alterations to be made in the line and level of such intended street, as the case may require, and the expenses incurred by them or him in so doing shall be settled by the surveyor, and be repaid by the person acting contrary to the requirements aforesaid: Provided that if the surveyor fail to signify his approval or disapproval of the said plans and sections for the space of twenty-one days after the delivery thereof as aforesaid, and if the provisions of this Act and the Acts incorporated herewith be in all other respects complied with, such intended street may be proceeded with in accordance with the plans and sections so delivered, and as if the same had been approved; and in case such plans and sections shall be disapproved of by the Corporation or their surveyor, the person so intending to make and lay out such new street, if he be dissatisfied with the determination of the Corporation or their surveyor, shall have the same right of appeal against such determination as is provided in "The Towns Improvement Clauses Act, 1847," "with respect to objections to " the works to be constructed by or subject to the approval of the " Commissioners."

Corporation may declare where new streets begin and end.

Repeal of section 26 of Act of 1854 as to new houses occupying certain space and having open areas, and the provision herein named to be in lieu thereof.

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

12. The twenty-sixth section of the Act of 1854 is hereby repealed, and in lieu thereof be it enacted as follows: No person shall, after the passing of this Act, begin to erect any dwelling-house in any street formed or laid out since the passing of the Act of 1854, or in any intended or future street within the borough, the area of which dwelling-house, with the yards thereto belonging and adjoining, exclusive of any back road or cross road, and the footpath of any street in front thereof, shall comprise a less space of ground than eighty-four square yards, of which space twenty square yards at least at the back or side of and immediately adjoining to such dwelling-house shall be for ever left open and unbuilt upon, and a back road leading to every such dwelling-house shall be formed and shall communicate at each end with a street or open space, so as to form a thoroughfare, and every privy and cesspool in any yard behind any such dwelling-house shall be constructed with such sufficient doors and openings in the boundary wall so as to permit of the contents thereof being emptied by the Corporation through such back road; and if any person shall at any time hereafter erect any dwelling-house upon a less area than eighty-four square yards as aforesaid, or shall build upon any part of the space herein-before in this section directed to be left open as aforesaid, such person shall

forfeit for every day during which such dwelling-house shall be so continued, or during which any building shall continue on such space herein-before directed to be left open as aforesaid, a sum not exceeding one pound; and it shall be lawful for the Corporation, if they deem it necessary, to cause such dwelling-house or building to be altered or demolished, as the case may require, in manner hereinafter in that behalf provided; and in case such back road as aforesaid shall not be formed, or shall be formed contrary to the provisions of this Act, the person erecting such dwelling-house shall forfeit any sum not exceeding the sum of twenty pounds: Provided always, that the provisions of this section with respect to back roads shall not apply to,—

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(a.) Dwelling-houses hereafter to be erected in the style known as detached or semi-detached:

(b.) Dwelling-houses hereafter to be erected on vacant plots of ground for the time being existing in any street upon which buildings may have been already erected and approved by the Corporation, and where, owing to the mode in which such latter buildings have been so erected, it is not now possible to form on such vacant ground the back road aforesaid:

But in the two last cases sufficient provision, to the satisfaction of the Corporation, shall be made for the removal of refuse and night soil from such dwelling-houses: Provided further, that this section shall not extend to dwelling-houses hereafter erected on the site of any dwelling-house which now exists, and which was erected before the third day of August one thousand eight hundred and fifty-four, but every such dwelling-house shall have the same open space at the back or side thereof as is required by this section if at the time the former dwelling-house ceased to exist there was such or a greater extent of open space, and where at that time there was not such an open space then the open space at the back or side thereof shall not be less than that which existed at the time when such former dwelling-house ceased to exist.

13. The twenty-seventh section of the Act of 1854 is hereby repealed, and in lieu thereof be it enacted as follows: The level of the ground floor of every house built within the borough after the passing of this Act shall be at least seven inches above the level of the outer edge of the footway or road adjoining such house, whether there be a cellar to such house or not, and the level of such footway or road shall be previously approved of by the surveyor, and if any person shall build any house in contravention of the provisions of this section he shall be liable to a penalty of ten shillings for every day during which any such house shall not be in accordance with the requirements of this section.

Repeal of section 27 of Act of 1854 as to the level of ground floor of houses, and the provision herein named to be in lieu thereof.

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Building in
courts.

14. Whenever within the borough the space between the fronts of the houses on opposite sides of any street existing at the time of the passing of this Act, and being a court, is less than thirty-six feet, the Corporation may lay down, and from time to time vary, a plan and scheme for so regulating all future building and rebuilding of houses with frontage to such street as to secure the providing and preserving of the said space of thirty-six feet between the fronts of the houses on such opposite sides, and as much regularity and uniformity in the lines of frontage of the houses in such street as can, in the opinion of the Corporation, be attained, having regard to the circumstances of the particular case, and no person, after notice of such plan and scheme to such person, shall build or rebuild any house or building having a frontage to such street, except upon such line of frontage as shall be in conformity with the said plan and scheme: Provided that whenever, in order to secure such conformity, it shall be necessary that the frontage of any building should in the rebuilding thereof be set back, the Corporation shall make compensation to the owner thereof for any damage he may thereby sustain, the amount of such compensation to be determined in case of dispute in the manner provided by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, for determining questions of compensation with regard to lands purchased or taken under the provisions thereof.

Repeal of
section 30 of
Act of 1854
as to ground
acquired by
Corporation
and thrown
into streets
to be public
highways,
and the
provision
herein named
to be in lieu
thereof.

15. The 30th section of the Act of 1854 is hereby repealed, and in lieu thereof be it enacted as follows: The sites of all houses and all pieces of ground or any parts thereof which may have been or may be acquired by the Corporation and laid into streets and dedicated to public use shall be vested in the Corporation without any conveyance, and such streets shall be repaired and maintained in such and the same manner as highways shall for the time being be by law required to be maintained and repaired, and whenever, in consequence of any improvement made by the Corporation or otherwise, any such houses or ground or parts of ground so acquired and laid into streets shall be deemed by the Corporation to be no longer required for public use, and shall not be needed for the purpose of approach to any property, or as a frontage to any property adjoining the same not belonging to the Corporation, the Corporation may either sell the same, and apply the proceeds in making improvements in the borough, or may exchange the same, and either with or without paying or receiving any money for equality of exchange for any other lands better adapted or required for the purposes of any improvements, and the Corporation may convey the lands so sold or exchanged accordingly: Provided that every such sale shall be subject to the provisions of "The Lands Clauses Consolidation Act, 1845," with respect to lands acquired by the promoters of the

undertaking under the provisions of this or the special Act or any Act incorporated therewith, but which shall not be required for the purposes thereof (except section 127 thereof), and as if the lands proposed to be sold were superfluous lands within the meaning of those provisions, and were not situate within a town, and were not lands built upon or used for building purposes.

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16. The thirty-first section of the Act of 1854 is hereby repealed, and in lieu thereof be it enacted as follows: All vaults, arches, and cellars at any time subsisting under any street within the borough, and all openings into such vaults, arches, or cellars in the surface of any such street, and all cellar heads, gratings, lights, and coal-holes existing in the surface of any such street, and all landings, flags, or stones of the path or street supporting the same respectively, shall be, by the owners or occupiers of the same or of the houses or buildings to which the same respectively belong, kept in substantial repair and in good and proper condition, and so as not to occasion any injury to the street or passengers therein, and in default thereof it shall be lawful for the Corporation, after twenty-four hours notice in that behalf, to cause the same respectively to be repaired and put in good order, and the expenses of so doing shall be settled by the surveyor, and be paid to the Corporation by such owner or occupier respectively.

Repeal of section 31 of Act of 1854 as to repair of vaults, &c. under streets, and the provision herein named to be in lieu thereof.

17. The thirty-third section of the Act of 1854 is hereby repealed, and in lieu thereof be it enacted as follows: Every street within the borough which is only a court and passage shall be well and sufficiently formed, paved, or flagged, channelled, and sewered, and kept in good repair, to the satisfaction of the Corporation, by the owner or owners of the house or houses, buildings, and lands abutting thereon, and having the right to the use thereof; and if any such court or passage be not so well and sufficiently paved or flagged, channelled, and drained, and kept in good repair to their satisfaction, the Corporation may cause the same to be paved, flagged, channelled, and sewered, and the whole repaired to their satisfaction, and the expenses attending the same shall be settled by the surveyor, and be repaid to the Corporation by the owner or owners of the house or houses, buildings, and lands abutting on such court or passage, and having the use thereof, and each such owner shall pay a just share and proportion thereof, according to the length and width of such court or passage opposite to or adjoining or abutting on his house, building, or land, and such share shall be ascertained and determined by the surveyor.

Repeal of section 33 of Act of 1854 as to flagging, &c. courts and passages, and the provisions herein named to be in lieu thereof.

18. The thirty-fourth section of the Act of 1854 is hereby repealed, and in lieu thereof be it enacted as follows: In case at any time any street within the borough (whether fully made and

Repeal of section 34 of Act of 1854 as to power

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 to Corpora-
 tion of re-
 pairing pri-
 vate streets
 after notice
 to owners,
 and the
 provision
 herein named
 to be in lieu
 thereof.

built or only partially made or built), or the carriageway or foot-
 way or any other part thereof (such street not being a highway
 repairable by the inhabitants at large, although part thereof may
 be so repairable), be not drained, levelled, paved, flagged, and
 channelled, metalled, and made good to the satisfaction of the Cor-
 poration, the Corporation may at any time, and from time to time,
 by notice to be given to the respective owners or occupiers of the
 lands fronting, adjoining, or abutting upon such parts of any such
 street as may require to be drained, levelled, paved, flagged, or
 channelled, metalled, or made good, require them to drain, level,
 pave, flag, or channel, metal, and make good the same, within such
 time, with such materials, at such levels, with such inclinations,
 and with drains of such dimensions, and in such manner generally
 as shall be specified in such notice; and where such notice includes
 the fixing the level of any street which has not become a public
 highway, or any street which has not been theretofore levelled,
 such notice shall specify a time when and place where all persons
 interested in that work may be heard thereupon, and the Cor-
 poration, or some committee thereof, shall meet at the time and
 place mentioned in such notice to consider any objections made
 against that work, and all persons interested therein, or likely to be
 aggrieved thereby, may attend the Corporation, or such committee
 thereof, at such meeting, and thereupon the Corporation may
 abandon or make such alterations in that work as they judge fit,
 and may make and enter in their books an order for the execution
 of the work, except any that may have been abandoned, and with
 such, if any, alterations as they may have so judged fit; and if
 the requirements of such notice, except with respect to any work
 abandoned upon the hearing of any such objection as aforesaid, and
 subject to any alterations which, upon any such hearing, may have
 been made in the works required by such notice, be not complied
 with, the Corporation may, if they shall think fit, execute the works
 mentioned or referred to therein, and not abandoned as aforesaid,
 and with any such alterations as aforesaid, and the expenses in-
 curred by them in so doing shall be settled by the surveyor, and be
 paid by the owners in default according to the frontage of their
 respective lands, and in such proportion as shall be settled by the
 surveyor; and the Corporation may, by such notice as aforesaid,
 direct that the level of any such 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 streets, the Cor-
 poration in the last-mentioned case making compensation to owners
 and occupiers of buildings and lands for any damages or expenses
 sustained or incurred by them by reason or in consequence of, or
 in the execution of, the works required by such notice for such last-

mentioned alteration of levels, and the levelling of any street which the Corporation may, under this section, require, may be either the lowering or raising the soil of such street for any purpose connected or not connected with the paving or repairing thereof, or otherwise: Provided that, with the exception of section 86 of "The Towns Improvement Clauses Act, 1847," none of the provisions of that Act with respect to objections to the works to be constructed by or subject to the approval of the Commissioners shall apply to the works referred to by this section; provided also, that a railway company shall not be deemed to be an owner or occupier within the meaning of this section in respect of any land of such company upon which any such street as in this section is mentioned shall wholly or partially front or abut, and which shall be used by such company solely as a part of their actual line of railway, and shall have no communication with such street.

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19. Notwithstanding anything in the eighteenth section of "The Towns Improvement Clauses Act, 1847," the scale to which the plans and sections therein referred to shall be prepared by the Corporation shall be as follows, namely, a horizontal plan to a scale of not less than one inch to ten yards, and a section to the same horizontal scale, and to a vertical scale of not less than one inch to ten feet.

Alteration of scales of plans and sections referred to in section 18 of "Towns Improvement Clauses Act, 1847."

20. The thirty-seventh section of the Act of 1854 is hereby repealed, and in lieu thereof be it enacted as follows: Wherever a main or other sewer has been or shall be constructed by the Corporation for the general sewerage or drainage of the houses, privies, ashpits, cesspools, and other premises in any street within the borough (whether or not the same shall be a highway repairable by the inhabitants at large), it shall be lawful for the Corporation or their surveyor, from time to time, as occasion may require, to give notice to the owners or occupiers of the houses or lands abutting on such street, by leaving the same at such houses or lands, requiring them to construct and lay branch drains of such size, at such level and with such fall, and of such form and materials, and in such manner as the Corporation shall by such notice direct, from such houses, privies, ashpits, cesspools, and other premises, into the main or other sewer of such street, or to divert any existing drain so that the same may discharge its contents into such main or other sewer, and if such owners or occupiers shall for three days neglect to begin the works respectively required by such notice, or shall, after beginning, fail to proceed with the same works with due diligence, the Corporation may thereupon, without further notice, execute the works referred to in the first-mentioned notice, and the owners of such houses, privies, ashpits, cesspools, and other pre-

Repeal of section 37 of Act of 1854 as to power to Corporation to make branch drains at the expense of owners, and the provision herein named to be in lieu thereof.

A.D. 1870. — mises shall repay to the Corporation such expenses as they shall incur, which expenses shall be settled by the surveyor, each owner contributing in proportion to the length of drain laid down, such proportion to be ascertained by the surveyor.

Repeal of section 40 of Act of 1854 as to unoccupied ground being let to defray expenses, and the provision herein named to be in lieu thereof.

21. The fortieth section of the Act of 1854 is hereby repealed, and in lieu thereof be it enacted as follows: If any land or ground shall be unoccupied or unproductive, and the owner thereof shall for the space of six months neglect or refuse to contribute or pay his share or proportion of any charges and expenses incurred by the Corporation, and the interest thereon respectively, for the payment whereof respectively such owner is made liable, either by application of or agreement with the owner, or by this Act or the Act of 1854 or any Act incorporated therewith respectively, or such owner shall be or become bankrupt, or be unknown to the Corporation, or cannot be found, then, and in any of the said cases, it shall be lawful for the Corporation, at or after the expiration of one month's notice to that effect, affixed to or left on some part of the said land or ground, to take possession of such land or ground, and to enclose or fence off, occupy, or let the same, or any part thereof, and the rents of such land or ground shall be paid to the treasurer of the borough, who shall thereout, in the first place, pay the expense of such enclosing, fencing, and letting, and, in the next place, pay the share or proportion of such charges and expenses due from such owner as aforesaid, and the interest thereof as aforesaid, and, after payment thereof, shall retain the surplus (if any) of such moneys for the owner of such land or ground, or his assignees or other legal representatives, and such surplus shall, in the hands of such treasurer, be liable to any further payments which may become due from the same owner in respect of the same, or any other unoccupied or unproductive land or ground, and subject to such liability to the payment from time to time of any chief rents due in respect of such land or ground.

Repeal of section 42 of Act of 1854 as to tenants for life, &c. charging expenses on property, and the provision herein named to be in lieu thereof.

22. The forty-second section of the Act of 1854 is hereby repealed, and in lieu thereof be it enacted as follows: It shall be lawful for the owner of any house or land, being tenant for life only, from time to time to charge such house and land with his share or proportion of any charges and expenses incurred by the Corporation for the repayment whereof such owner is made liable, either by application of or agreement with the owner, or by this Act or the Act of 1854 or any Act incorporated therewith respectively, and with the expenses of making such charge, and for securing the repayment of such moneys respectively, with interest thereon respectively after the rate of five pounds per centum per annum, to mortgage, for the

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

23. The proviso in section forty-seven of the Act of 1854 is hereby repealed, and in lieu thereof be it enacted as follows: It shall be lawful for the Corporation, upon such terms as may be agreed upon with the county justices, to take down, rebuild, lower, alter, widen, or improve any county bridge within the borough, and the carriage and foot ways over the same, and to erect any bridges in lieu thereof, and to maintain and repair the structure, roadways,

County
bridges.

A.D. 1870.. and footways thereof, and to defray the costs of any such works from time to time out of the general district fund.

PART III.—AS TO BUILDINGS, DRAINAGE, AND VENTILATION.

Notice of intention to build or rebuild or drain to be given to the Corporation.

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

Power of Corporation to disapprove.

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

Builder may proceed if Corporation fail to signify their disapproval.

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

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

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Notice to surveyor before commencing works.

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

Space not to be built upon.

29. In every house or building for human occupation hereafter erected within the borough the ground floor and the floor above the ground floor thereof shall each contain an area within the walls thereof of three hundred and fifty square feet at least, and every room below or partly below the ground floor shall be at least eight feet six inches in height from the floor to the ceiling, and every other room, except in the attic or roof of any such building, shall be at the least nine feet in height from the floor to the ceiling, and every room in the attic or roof of any such building shall be at least eight feet in height from the floor to the ceiling throughout not less than one half of the area of such room, and not less than four feet at the sides thereof, and every room shall have one window or more, and the area of the window or windows shall be at the least one twelfth of the area of the floor of such room, and one half of the window area shall be made to open fully, and if such room be of less area than one hundred superficial feet and without a fireplace, it shall be provided with such means of ventilation, by air shaft or otherwise, as the Corporation may approve of or require.

Area, height, and ventilation of rooms.

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

Drainage of buildings.

31. The drains of all existing and future buildings shall be of such size, and laid and connected with the sewers in such manner,

Construction of drains and connexion with sewers.

[Ch. clx.] *The Blackburn Improvement Act, 1870.* [33 & 34 VICT.]

A.D. 1870. as shall be directed by and under the superintendence of the surveyor, and those beneath buildings used or intended to be used as dwelling-houses shall be laid with water-tight joints, and be imbedded throughout in and surrounded with well-puddled clay.

Ventilation of drainage.

32. Means of ventilation shall be provided in the drainage of every existing and future building by connecting the drains with the rain-water pipe, or by a special pipe or shaft, and all inlets to any house from the drains shall be trapped, but when, in the opinion of the surveyor, one ventilating pipe or shaft will suffice to ventilate the drains of several buildings, it shall suffice if such pipe or shaft shall be provided to the satisfaction of such surveyor, and the costs of providing and affixing the same shall, where it is so provided and affixed by the Corporation, be apportioned between the owners of such buildings by the surveyor.

Ventilation, &c. of public buildings.

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

Formation of back yards of houses.

34. The back yards of the houses to be hereafter erected, the total area of each of which houses and yards shall contain less than one hundred square yards, shall be formed with such fall, and shall be flagged, paved, or asphalted with such materials as shall be satisfactory to the surveyor, for the purpose of carrying off the surface water to the drains of such house; and if any back yards of houses erected before or after the passing of this Act, which houses and yards contain less than the last-mentioned area, shall not be formed, paved, flagged, or asphalted, so as to allow of the surface water being so carried off as aforesaid, the owner or occupier shall, within seven days after notice in writing to be given him by the surveyor, or left at or affixed on such house, proceed to form, and flag, pave, or asphalt the same, and shall complete such several works to the satisfaction of the surveyor within fourteen days after such notice so given, left, or fixed; and in case any person fail to comply with the provisions of this section in any particular in which compliance may be required by the surveyor, within the respective times aforesaid, it shall be lawful for the surveyor to execute the requisite works without further notice, and the cost of so doing shall be paid to the Corporation by such owner or occupier.

Waterclosets and privies.

35. A privy or watercloset and sufficient ashpit accommodation shall be provided for every house; no privy shall be made within five feet of any dwelling-house or other habitable building, and in cases where this space cannot be secured a watercloset or water-

closets must be provided; no room for human occupation shall be made over a privy, cesspool, or ashpit; all ashpits and cesspools shall be covered in and sufficient means of ventilation for the same provided to the satisfaction of the surveyor. A.D. 1870.

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

37. No building not already occupied as a dwelling-house shall be so occupied until the drainage thereof has been made and completed, nor until a certificate has been granted by the surveyor to the owner that such house is in every respect in accordance with the requirements of this Act: Provided that if the surveyor fail to give such certificate within seven days after a written application for it shall have been made to him by the owner of such building, and shall not in the meantime specify to such owner which of the aforesaid requirements have not been complied with with respect to such building, then (but subject nevertheless to the other provisions of this Act) such building may be thereupon occupied as a dwelling-house. Certificate that houses fulfil requirements of Act.

38. If the surveyor, the officer of health, or the inspector of nuisances, or any two medical practitioners shall, by writing, certify to the Corporation that any building or part of a building is unfit for human habitation, the Corporation may, by their order affixed conspicuously on such building or part of a building, declare that the same is not fit for human habitation, and the same shall not, after a date therein to be specified, be inhabited: Provided always, that if at any time after such order has been made the Corporation shall be satisfied that such building has been rendered fit for human habitation they shall revoke their said order. Buildings unfit for human habitation.

39. Every person offending against, or acting in contravention of, or neglecting to comply with any of the preceding provisions of Part III. of this Act shall be liable to a penalty not exceeding one Penalties.

A.D. 1870. pound for each such offence, and where the offence shall be a continuing offence, or in the nature thereof, such person shall likewise be liable to an additional penalty of ten shillings for every day during which such offence shall continue.

Preventing building on ground filled up with offensive matter.

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

PART IV.—AS TO NEW STREETS AND IMPROVEMENTS.

Power to make new streets and take lands.

41. Subject to the provisions of this Act, the Corporation may from time to time make, execute, and maintain, in the lines and situations and according to the levels described in the deposited plans and sections, the new streets, diversions of streets, and street improvements shown on the deposited plans, and herein-after mentioned, with such footways, roadways, pavements, sewers, drains, gutters, approaches, works, and conveniences connected therewith respectively as the Corporation think necessary or proper, and may enter upon, take, hold, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for these purposes respectively, and for providing space for the erection of houses or buildings adjoining or near to any of the new streets and improvements. The new streets, diversions of streets, and street improvements herein-before referred to and authorised by this Act are—

A new street, commencing on the north side of James Street, opposite to Saint John's Place, and extending northwards to and terminating at the junction of Charlotte Street with Follywell Street and Watson's Buildings :

The widening and improving King Street on the north-westerly side thereof, throughout the distance between Paradise Lane and an occupation road called Paradise Terrace :

The widening and improving Lord Street on the northerly side thereof, throughout the distance between Northgate and the east side of premises in Lord Street in the occupation of Thomas Woods: A.D. 1870.

The widening and improving Lord Street on the southerly side thereof, throughout the distance between King William Street and a certain passage leading from Lord Street to Shorrock Fold:

The widening and improving Victoria Street on the easterly side thereof, throughout the distance between Church Street and the northern boundary of premises in Victoria Street and Church Street in the occupation of Thomas Hart:

The widening and improving three streets, respectively called Salford and Water Street and Penny Street, at or about the junction of Water Street with Salford, and the southern termination of Penny Street on its western side, the termini of which widening and improvement are the lines next described, viz.,—

A line from the northern wall of a spirit store, in the occupation of Charles Aspden, on the east side of Water Street southwards, following the frontage line of the houses there to Salford;

A line drawn eastwards along the northern line of boundary of the said spirit store, from the east side of Water Street, for a distance of four yards or thereabouts, and then in a south-easterly direction for a distance of eleven yards or thereabouts, and thence curving north-east for a distance of eight yards or thereabouts, and thence extending to the north-eastern boundary of a shop and premises, in the occupation of William Hirst, on the west side of Penny Street; and

A line extending from the north-eastern boundary of the last-mentioned shop and premises southwards along the present frontage of the houses in Penny Street and Salford to Salford:

The widening and improving the said street called Water Street, on the western side thereof, and the termini of this improvement are the boundary lines of the whole site of a clogger's shop and premises, in the occupation of Thomas Newton, adjoining the Blakewater, near to Salford Bridge:

The widening and improving the said streets called Penny Street and Salford, at the east side of the former and the north side of the latter, and the termini of this improvement are the boundary lines of the whole site of the Bull's Head Inn and its appurtenances, at the junction of those two streets:

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The widening and improving the said street called Salford, on the north side thereof, throughout the distances between the westerly boundary of a shop there in the occupation of Thomas Fielding and the easterly boundary of a house in the occupation of Thomas Holt, and between the westerly boundary of the spirit stores and premises in the occupation of Joseph Haydock and Vicar Street, and the widening and improving the same street on the south side thereof, throughout the distance between the easterly side of the offices and premises belonging to and in the occupation of Messieurs Shaw and Rutherford and the westerly side of a house and premises in the occupation of Richard Moore :

The widening and improving Church Street on the north side thereof, throughout the distance between the westerly side of a shop and premises in the occupation of Margaret Pickering and the easterly side of a shop and premises in the occupation of John Sagar :

The diverting so much of a projected street of twelve yards wide, not yet made, and intended to be called and known as Pembroke Street, as lies between the westwardly end of a dwelling-house abutting upon that street, but situate within the storeyard of the Corporation at Islington in the said borough, and the termination of the said projected street with another projected street not yet made, intended to be called Galligreaves Street, at the northern angle of the north-western boundary wall of the said storeyard, and so and in such manner as that the diverted street will be bounded on the south by a straight line drawn from the first-mentioned point in a westwardly direction to a point thirty-one yards distant or thereabouts in a straight line in a north-eastwardly direction from the aforesaid northern angle of the north-western boundary wall of the said storeyard, and on the north by a straight line parallel to the south line, and commencing opposite the commencement of the south line and terminating at a point distant twelve yards or thereabouts in a north-westwardly direction from the westwardly termination of the south line.

Period for
completion
of works.

42. The new streets and improvements shall be completed within seven years from the passing of this Act, and if the same shall not be completed within that period, then on the expiration thereof the powers by this Act granted to the Corporation for making and completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof respectively as shall then be completed: Provided that after the expiration of that period the

Corporation may add to, enlarge, and improve such of those works as they had completed within that period. A.D. 1870.

43. The powers of the Corporation for the compulsory purchase of lands for the purposes of the said new streets, and street diversions and improvements, shall not be exercised after the expiration of five years from the passing of this Act. Period for compulsory purchase of lands.

PART V.—AS TO MARKETS.

44. Subject and according to the provisions of this Act, and notwithstanding anything in the Act of 1854 contained, the Corporation may from time to time provide, construct, maintain, and regulate a place or places for a cattle and horse market and for fairs for the borough, and may enter on, take, hold, and use the lands described in the deposited plans and book of reference, or such parts thereof, or any lands belonging to the Corporation as they may require for that purpose, which place or places (with the sheds and other buildings, conveniences, erections, and fixtures, for the time being erected and built thereon by the Corporation,) is and are in this Act referred to as the cattle market. The termini of the lands for the cattle market are as follow; viz., Power to provide places for cattle and horse markets and fairs, and to take lands.

On the north, so much of the herein-before described southern boundary line of Pembroke Street, as proposed to be diverted as aforesaid, as lies between a point forty yards distant or thereabouts along such line from the western angle of the dwelling-house situate in the storeyard aforesaid and the termination of such boundary line at the said intended street called Galligreaves Street; on the east, a straight line to be drawn from the before-mentioned point to a point on the north side of the Corporation siding of the Lancashire and Yorkshire Railway, within the said storeyard, one hundred and twenty yards distant or thereabouts in an easterly direction from the centre of the railway bridge over Galligreaves Street aforesaid; on the south the aforesaid railway siding, and on the west Galligreaves Street aforesaid.

45. The Corporation shall cause the cattle market to be sufficiently sewered and drained, and may execute the works necessary for the sewerage and drainage thereof, and may connect the sewers and drains made for that purpose with any main or other sewers within the borough, and may maintain and from time to time repair, alter, and remove such sewers, drains, and connexions. Sewerage and drainage of market.

46. The Corporation may provide slaughter-houses in the cattle market. Power to provide slaughter-houses.

A.D. 1870.

Limits of market.

47. The limits of this Act with respect to the cattle market shall be co-extensive with the limits for the time being of the borough.

Period for compulsory purchase.

48. The powers of the Corporation for the compulsory purchase of lands for the purposes of the cattle market shall not be exercised after the expiration of five years from the passing of this Act.

Lands for extraordinary purposes.

49. The quantity of land to be taken by the Corporation by agreement for the extraordinary purposes mentioned in "The Markets and Fairs Clauses Act, 1847," shall not exceed two acres.

Power to Corporation to purchase lands by agreement.

50. The Corporation from time to time, by agreement, may purchase or otherwise acquire any lands and any easements or rights in, over, or affecting lands which they think requisite for any of the purposes of this Act with respect to the cattle market, and in order thereto the word "lands" in "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," respectively incorporated with this Act, includes, for the purposes of this section, easements and rights in, over, or affecting lands.

Power to Corporation to purchase market rights by agreement.

51. The Corporation from time to time, by agreement, may purchase and acquire any franchises and other rights of and with respect to the markets and the holding of markets within the borough, and taking tolls therein.

Period for completion of works.

52. The cattle market shall be completed within seven years from the passing of this Act, and if the same shall not be completed within that period, then on the expiration thereof the powers by this Act granted to the Corporation for making and completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Discontinuance of existing cattle market.

53. From and after the opening for public use of the cattle market, the holding of any market or fair for cattle or horses in the place appointed for that purpose by sections eighty-one and eighty-two of the Act of 1854 shall be discontinued, and the tenancy of the Corporation of the tract of land called Blakey Moor shall cease and discontinue.

Penalty for selling cattle elsewhere.

54. From and after the opening for public use of the cattle market, all markets and fairs for and all sales by auction of cattle and horses held within the limits of this Act shall be held in the cattle market and not elsewhere; and if after such opening any person, without the written license and consent of the Corporation first obtained, sells or exposes for sale any cattle or horses in any market, street, highway, or public place within the limits of this Act, other than the cattle market, or sells or offers for sale by auction any cattle or horses in any place within those limits other than as

aforesaid, he shall for every such offence be liable to a penalty not exceeding five pounds: Provided always, that nothing in this section contained shall prevent the bonâ fide owner of any cattle or horses, or any horse dealer to whom only horses are committed for sale, from selling the same on his own premises.

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55. The Corporation may demand and receive tolls and rents, not exceeding those specified in the first schedule of this Act, from persons selling or exposing or offering for sale, exhibition, or hire, or for breeding or other purposes respectively, any cattle or horses in the cattle market, or frequenting or attending with any such things, for any such purposes, any market or fair held in the cattle market.

Tolls for market.

56. The several tolls payable in respect of the occupation or use of any stall, shed, standing station, or place shall be paid not only by the original taker or occupier thereof for part of a day if he do not occupy it the whole day, but also by any subsequent taker or occupier of the same for any subsequent part of the same day.

Market tolls for stalls, &c. payable by successive occupiers.

57. The several tolls which by this Act are authorised to be demanded by the Corporation shall be carried to the credit of the general district fund.

Application of tolls.

58. If any person liable to the payment of any stallage, rent, or toll payable to the Corporation under this Act does not pay the same when demanded, the Corporation or their lessee, or any person authorised by the Corporation or their lessee to collect the same, may seize and detain the cattle or horses in respect of which the same is payable, or any other cattle or horse then or thereafter in the cattle market belonging to the person liable to pay the same or under his charge, and if the amount of the stallage, rent, or toll, and the reasonable charges of such seizure and detention, and of the keeping and maintenance of such cattle or horses, be not paid within four days from the time of seizure, the Corporation or their lessee may sell the cattle or horse seized, and out of the proceeds may pay and retain the stallage, rent, or toll, and the charges aforesaid and those of the sale, returning the overplus (if any) to the owner of the cattle or horse seized, or such stallage, rent, or toll may be recovered in any court of competent jurisdiction.

Recovery of tolls.

59. The Corporation may from time to time let to any person any stall, standing, shed, site, place, or other convenience in the cattle market, for any time not exceeding three years, at such rent and on such terms, pecuniary and otherwise, and conditions as the Corporation and their lessees mutually agree on.

Power to let stalls, &c.

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Power to let
tolls of
markets, &c.

60. The Corporation may from time to time demise, for any term not exceeding five years, all or every of the stallages, rents, and tolls receivable in respect of the cattle market, and either with or separate from all or any of the works and conveniences of the Corporation in the cattle market, on such terms, pecuniary and otherwise, and conditions as the Corporation and their lessees mutually agree on.

Tolls to be
taken by
lessees, &c.

61. The several tolls specified in the first schedule to this Act may be demanded and taken by the officers of the Corporation and by the lessees of the Corporation and their officers respectively.

Leases of
slaughter-
houses, &c.

62. The Corporation from time to time may let the slaughter-houses, or any of them, for any term not exceeding three years, on such terms, pecuniary and otherwise, and conditions as the Corporation and the lessees mutually agree on.

Separate
account.

63. The Corporation shall keep a separate account of their receipts, payments, credits, and liabilities in respect of the cattle market and slaughter-houses, to be called "the cattle market account."

Providing
for any mar-
ket franchise
of lord of
the manor.

64. If Joseph Feilden, Esquire, as Lord of the Manor of Blackburn or otherwise, claims to be entitled to or interested in any market franchise within the borough, with respect to cattle or horses, with the right of taking for them any market tolls there, the Corporation shall, after the opening of the cattle market, if such claim be admitted, make compensation to him for such franchise and right, the amount of such compensation, in case of dispute, to be settled by such an arbitration as is herein-after provided, except that the arbitrators or umpire respectively need not be barristers or a barrister-at-law; but if the claim to such franchise or right be disputed by the Corporation, the dispute shall be referred to and be determined by two arbitrators, being barristers-at-law, of whom one shall be appointed by each party in difference, or in case the arbitrators differ, then by an umpire (being also a barrister-at-law) to be appointed by the arbitrators before entering upon the reference; and if and when such arbitrators or umpire find and award that the said Joseph Feilden is entitled to or interested in any such franchise or right, the Corporation shall, after the opening of the cattle market, make compensation to him for the same, and in that case the amount of such compensation, in case of dispute, shall be settled by the last-mentioned arbitrators or umpire, and to any such arbitration as aforesaid the provisions with respect to arbitration of "The Common Law Procedure Act, 1854," and any statutory modifications thereof for the time being in force, shall apply.

PART VI.—AS TO SEWAGE WORKS.

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

Power to
construct
works.

First. A main conduit or pipe, conduits or line of pipes, four miles six furlongs or thereabouts in length, commencing in the township of Witton in the parish of Blackburn, at the sewage outfall works of the Corporation, and terminating in Spring Lane, in the township of Samlesbury in the same parish, at or near a point two hundred yards or thereabouts west of the junction of that lane with Sorbrose Lane;

Second. A branch conduit or pipe, conduits or line of pipes, about one chain in length, in the last-mentioned township, commencing at the termination of the said main conduit and running at a right angle thereto, and terminating in the land on the north-west side of the said Spring Lane;

Third. Another branch conduit or pipe, conduits or line of pipes, about one chain in length, in the last-mentioned township, commencing at the termination of the said main conduit and running at a right angle thereto, and terminating in the land on the south side of the last-mentioned lane;

Fourth. A branch conduit or line of pipe, conduits or line of pipes, three furlongs seven chains in length or thereabouts, in the last-mentioned township, commencing by a junction with the said main conduit, at a point about eight hundred and twenty yards from its termination, and terminating in an occupation road on the northerly side of a farmhouse called Blakey Hey, at a distance of about eight hundred and twenty yards from its commencement;

with all necessary or proper tunnels, manholes, storm overflows, sewers, drains, channels, junctions with sewers, sluices, cuts, pipes, filtering and disinfecting beds, machinery, waste gates, gauges, regulating basins, pumping stations, tanks, pumps, approaches, and conveniences connected with the before-mentioned main and branch conduits, or necessary and convenient for the intercepting, lifting, conveying, receiving, storing, disinfecting, distributing, and utilizing the sewage and sewage matter now or at any time hereafter flowing through or into or being in or upon any of the reservoirs, tanks, sewers, drains, or works of the Corporation, and may enter upon,

A.D. 1870.

As to execution of works in Sir William Henry Feilden's lands.

take, hold, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for these purposes respectively: Provided always, that the works of the Corporation in the lands of Sir William Henry Feilden, Baronet, shall be executed in such line and course, within the limits of deviation marked upon the deposited plans, as shall be agreed upon between the owner for the time being of such lands and the Corporation, or as, in case of disagreement, shall be determined by a surveyor to be agreed upon by the said owner and the Corporation, and in default of agreement to be nominated at the request of either party, after one week's notice in writing to the other, by the President for the time being of the Institution of Civil Engineers, and shall be executed to the reasonable satisfaction of such surveyor, and all expenses attending the appointment and employment of such surveyor shall be defrayed by such owner and the Corporation in equal moieties: Provided always, that if in the exercise of any of the powers of this Act the Corporation divert, to any point below the site on the river Darwen of Feniscowles Mill, any water from the river Blakewater to the use of which the owner or owners of the said mill have any legal right, the Corporation shall make compensation for the same, such compensation, in case of difference, to be settled according to the provisions with respect to the settlement of disputed compensation of "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869."

As to Feniscowles Mill.

Vertical deviation.

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

Lateral deviation.

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

Time for completion

68. The works lastly herein-before authorised shall be completed within seven years from the passing of this Act, and if the same

shall not be completed within that period, then on the expiration thereof the powers by this Act granted to the Corporation for making and completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

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of sewerage
works.

69. Subject to the provisions of this Act, the Corporation from time to time may enter upon, take, and use the lands shown on sheets numbers 4 and 5 of the deposited plans, and described in the deposited book of reference, or any of them, and may by agreement acquire any right or easement in or over those lands or any of them, but such power shall not extend to any right or easement in or over any water.

Power for
Corporation
to take lands.

70. The powers of the Corporation for the compulsory purchase of lands for the purposes of the sewerage works authorised by this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for
compulsory
purchase.

71. The Corporation from time to time, by agreement, may purchase, take upon lease, or otherwise acquire any lands and any easements or rights in, over, or affecting lands (but not easements in or over any water) which they may deem necessary or convenient for any of the purposes of this Act with respect to sewerage works, or for extraordinary purposes in connexion with such works, and with respect to such works the word "lands" in "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," respectively incorporated with this Act, includes easements and rights in, over, or affecting lands, but not easements in or over any water, and the power to take lands upon lease by agreement given by this clause extends as well to any of the lands shown in sheets Nos. 4 and 5 of the deposited plans as to other lands.

Power to
Corporation
to purchase
lands and
easements by
agreement.

72. All grants and easements made to, or other rights already vested in, the Corporation for or in respect of the passage or conveyance of sewage and sewage matter through or along any lands or highways by means of any conduits or pipes of the Corporation shall remain valid and operative, notwithstanding that the sewage or sewage matter to be passed through or along such conduits or pipes shall be greater in quantity, or shall be derived from other and different sources, or shall be conveyed to other or more distant places, or shall be applied to other or different purposes than, or shall in any other mode differ from the sewage and sewage matter in respect of which such easements or rights respectively were granted.

Grants of
easements to
remain valid
notwith-
standing
destination
of sewage
altered.

73. The Corporation from time to time may use and employ any lands for the time being held by them for sewage and sewage

Power to
deal with
lands for

A.D. 1870.
—
sewage pur-
poses.

utilization purposes, and for the purposes of thereon dealing with, receiving, collecting, storing, disinfecting, deodorizing, distributing, utilizing, and applying to purposes of agriculture, irrigation, or fertilization, or other like purposes, the said sewage and sewage matter.

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

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

Provisions as
to supply of
sewage to
lands.

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

Power to
execute
works for
fertilizing
purposes.

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

Power of
entry for
ascertaining
quantity of
sewage con-
sumed by
meter, &c.

77. Any officer of the Corporation may, after twelve hours notice, enter any lands to, through, or into which sewage is supplied by them, by measure or otherwise, in order to inspect the meters, instruments, pipes, and apparatus for the measuring, conveyance, reception, and storage thereof, or for the purpose of ascertaining the quantity of sewage supplied or consumed, and may from time to time enter any lands for the purpose of removing any meter, instrument, pipe, or apparatus the property of the Corporation, and if any person hinders any such officer from entering or making such inspection, or effecting such removal, he shall for every such offence be liable to a penalty not exceeding five pounds, but the power of entry conferred by this section shall be exercised only between the hours of ten in the forenoon and four in the afternoon.

Penalty for
using sewage
without
agreement.

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

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

Conduits, &c. to be constructed so as not to be a nuisance.

80. Nothing in this Act shall exonerate the Corporation from any indictment, action, or other proceeding for nuisance or damages, in the event of any nuisance being caused by them in conveying or disposing of the sewage or refuse from sewers, or in any other manner, or of any damage occurring from the want of repair of any of the works of the Corporation.

Corporation not to be exempt from proceedings for nuisances.

81. The Corporation may from time to time raise any money on mortgage of the lands for the time being held by them, subject to the provisions of this Act with respect to the sewerage works, and every such mortgage shall be by deed duly stamped, and may contain such power of sale and other powers and provisions as the respective mortgagee shall reasonably require for better securing the payment of the principal money and interest thereby secured.

Power to borrow on mortgage of sewage lands.

82. The Corporation shall carry all moneys raised on mortgage as last aforesaid to the credit of the general district fund, and the power of the Corporation for borrowing money on the credit of that fund and the general district rate shall be reduced by an amount equal to the money so carried to the credit of that fund.

Application of borrowed moneys.

83. The Corporation shall apply all money from time to time received by them with respect to the sewage works hereby authorised, and the rents of the lands to be acquired under this Act for such works and the supply of sewage (except money borrowed), as follows:

Application of income from sewage works.

First. In payment of the expenses of and incident to the borrowing of any money upon the credit of those works and lands:

Secondly. In payment of the expenses of and incident to the management, maintenance, repair, and renewal of the said works and lands:

Thirdly. In payment of the interest of all money from time to time borrowed upon the credit of the said works and lands, and of the rent or rents (if any) in respect of the same lands:

Fourthly. In carrying the surplus to the credit of the General District Fund.

PART VII.—AS TO RATES.

84. From and after the passing of this Act, all the provisions of the Act of 1854 relative to the levying of rates for the purpose of that Act (except the highway rate, and except the rents, rates, and

Present power of rating repealed.

A.D. 1870.

profits to be derivable from the waterworks of the Company therein referred to, after the transfer thereof to the Corporation), and the provisions of "The Towns Improvement Clauses Act, 1847," relative to the levying of a general sewer rate, shall, save as is by this Act otherwise expressly provided, cease to apply to the borough: Provided that all such rates respectively made previously to the passing of this Act, or so much of such respective rates as may not have been levied and paid, shall be levied and collected as if this Act had not been passed, but all such rates respectively shall be applied in manner by this Act directed with respect to the general district rates authorised to be levied by this Act; provided also, that nothing in this Act contained shall prejudice, abridge, diminish, or affect the securities, priorities, rights, and remedies of any mortgagees or other persons, but that all debts incurred and all securities given, and contracts and engagements entered into by the Corporation previously to the passing of this Act, on the credit of or with respect to such respective rates, shall and may be enforced and enforceable against and with respect to the general district rates by this Act authorised to be levied, and against the Corporation with respect to the same rates, in as full and ample a manner in all respects as the same respectively could have been enforced against such first-mentioned rates and against the Corporation with respect thereto if this Act had not been passed; and, save as is by this Act otherwise expressly provided, the Corporation shall, with respect to the general district rates hereby authorised to be levied, have all the powers for raising money for satisfying such debts, securities, contracts, and engagements as they would have had with respect to such first-mentioned rates respectively in case this Act had not been passed.

Power to
levy rates.

85. The Corporation shall from time to time, when and as often as occasion may require, make and levy a rate or rates, to be called the "General District Rate," for defraying, and shall apply all such rates respectively in defraying, all expenses incurred or to be incurred by them in carrying into execution the provisions of this Act and of the Act of 1854, and any Act incorporated therewith respectively, and such other expenses (if any) for which the rates which the Corporation are now authorised to raise under the Act of 1854, and "The Towns Improvement Clauses Act, 1847," were authorised to be made and levied (except the highway rate and the rents, rates, and profits to be derivable from the waterworks aforesaid after the transfer thereof to the Corporation), and the treasurer of the Corporation shall keep a separate account of such general district rate, to be called "The General District Fund Account," and the moneys carried to such account shall be applied by the Cor-

poration in manner by this section herein-before mentioned with respect to the general district rate. A.D. 1870.

86. Except where expressly varied by this Act, the provisions of "The Towns Improvement Clauses Act, 1847," "with respect to the manner of making rates authorised by this or the special Act," and "with respect to the appeal to be made against any rate," and "with respect to the recovery of rates," shall respectively apply to the rates by this Act authorised to be levied and raised; and sections 144, 148, 149, 150, and 151 of the Act of 1854 shall also respectively apply to the rates by this Act authorised to be levied and raised. Mode of making the rates.

87. The owner of any tithe commutation rentcharge and the occupier of 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 under the powers of any Act of Parliament for public conveyance, shall be assessed in respect of the same in the proportion of one fourth part only of the net annual value thereof. Certain kinds of property assessed on one fourth of their net value.

88. The Corporation may from time to time, if they think fit, make an allowance by way of discount, not exceeding the rate of ten pounds per centum, on the amount due in respect of rates from every person who pays the same within such time after demand thereof as the Corporation think fit to prescribe in that behalf. Discount on rates.

PART VIII.—AS TO TOWN HALL, &c.

89. The sum of fifty-four thousand five hundred and forty-four pounds, being the expenses incurred by the Corporation in carrying into effect the provisions of the Act of 1854, with respect to the Town Hall, Sessions House, park, fire brigade station, and fire engines and apparatus respectively, shall be deemed to be part of the expenses necessarily incurred by the Corporation in carrying into effect the Municipal Corporation Acts, and shall accordingly be deemed to be transferred to and charged upon, and shall stand charged upon the borough fund of the borough, and all sums becoming payable under or required for the payment of any security given for the moneys so borrowed, to the extent of the said sum of fifty-four thousand five hundred and forty-four pounds, shall be paid by the Corporation out of any moneys which they may hereafter borrow or raise under the authority of this Act on the credit of the borough fund, or shall otherwise be by the Corporation out of the last-mentioned moneys replaced and reimbursed to the Cost and maintenance of Town Hall, &c. charged on borough fund.

A.D. 1870. credit of the general district fund account; and from and after the passing of this Act, the said Town Hall, Sessions House, park, fire brigade station, and fire engines and apparatus, and the fire brigade of the borough, shall be respectively maintained out of the borough fund, and as if such expenses and maintenance were necessarily incurred by the Corporation in carrying into effect the Municipal Corporation Acts, but this section shall not be deemed to affect the priority or rights of any mortgagee or mortgagees of the borough fund.

Town Hall, &c. vested in Corporation as part of corporate property.

90. The Town Hall, Sessions House, park, fire brigade station, and fire engines and apparatus shall be and are hereby vested in the Corporation as part of their corporate property under the Municipal Corporation Acts.

PART IX.—AS TO BORROWING POWERS.

Power to borrow on borough fund.

91. The Corporation, in addition to any money which they may have borrowed or are authorised to borrow independently of this Act upon the credit of the borough fund, may from time to time borrow at interest on the credit of the borough fund such sums of money as shall be sufficient to pay off the said sum of fifty-four thousand five hundred and forty-four pounds, and may mortgage the borough fund accordingly, and all money borrowed under the authority of this Act on the credit of the borough fund shall be applied for the purpose of paying off the said sum of fifty-four thousand five hundred and forty-four pounds or some part thereof, or some sum of money previously borrowed under the authority of this Act on the credit of the borough fund, and for no other purpose.

Power to borrow for purposes of Act, &c.

92. The Corporation, in addition to any money which they may have borrowed or are authorised to borrow independently of this Act, may from time to time borrow at interest on the credit of the money to be carried by them to the general district fund such sums of money, not exceeding in the whole two hundred and thirty-five thousand pounds, as they from time to time think requisite for the purposes of this Act and of the Act of 1854, and of "The Towns Improvement Clauses Act, 1847," and may mortgage such money so to be carried to the general district fund accordingly.

Period for paying moneys borrowed by Corporation.

93. The period within which any money hereafter to be borrowed by the Corporation under the authority of the Act of 1854, or "The Towns Improvement Clauses Act, 1847," or of this Act (except on the credit of the sewage lands and sewerage works), is to be paid off, by means of a sinking fund or otherwise, shall be seventy years, reckoned from the expiration of five years from the passing of

this Act, anything in the same respective Acts to the contrary notwithstanding. A.D. 1870.

94. From and after the expiration of five years from the passing of this Act, the period within which the amount then remaining due of any money already borrowed by the Corporation under the authority of the Act of 1854, or "The Towns Improvement Clauses Act, 1847," is to be paid off, by means of a sinking fund or otherwise, shall be seventy years, reckoned from the expiration of the said five years, anything in the same respective Acts to the contrary notwithstanding. Further provision as to payment of moneys borrowed.

95. From and after the expiration of five years from the passing of this Act the provisions of the Act of 1854, and of "The Towns Improvement Clauses Act, 1847," relating to the sinking fund or to the paying off out of rates of borrowed money, shall be hereby wholly repealed, and the Corporation from that time be released from the obligation and necessity of providing the sinking fund or any part thereof by the first-mentioned Act directed and required to be provided, and of paying off borrowed money out of rates by the last-mentioned Act required, and also from or with respect to the application of moneys borrowed, and keeping accounts relative thereto, by those respective Acts also directed and required. Repeal of previous Acts as to sinking fund, &c.

96. The Corporation shall, out of the borough fund, with respect to moneys borrowed by virtue of this Act upon the security of that fund, and out of the money carried to the credit of the general district fund, with respect to moneys borrowed upon the security of that fund under the authority of this Act, and with respect to the amount remaining due at the expiration of five years from the passing of this Act of moneys borrowed under the powers of borrowing or re-borrowing of the Act of 1854, or of "The Towns Improvement Clauses Act, 1847," either pay off the respective moneys borrowed, by annual or other instalments or otherwise, within seventy years, reckoned from the expiration of five years after the passing of this Act, or else appropriate out of the said borough fund and the said general district fund respectively as a sinking fund every year, beginning with the expiration of the same term of five years, and until the respective moneys so borrowed are fully paid off, a sum not less than one seventieth part of the respective moneys so borrowed, and such respective sinking fund shall be invested, accumulated, and applied according to section eighty-four of "The Commissioners Clauses Act, 1847," and it shall be lawful for the Corporation to repay the said loans respectively by equal half-yearly or yearly amounts of principal combined with interest, and to compute the amounts requisite to be paid every year in order to the repayment Repayment of money borrowed by instalments or sinking fund.

[Ch.clx.] *The Blackburn Improvement Act, 1870.* [33 & 34 VICT.]

A.D. 1870. — of the respective loans within the said period of seventy years, reckoned as aforesaid, according to the principles of calculation on which are based the tables published in the year one thousand eight hundred and fifty-eight by Messieurs Eyre and Spottiswoode, and purporting to have been examined by the Actuary of the National Debt Office for the objects of or in connexion with "The Local Government Act, 1858."

Protection of lenders from inquiry.

97. Any person lending or paying money under this Act to the Corporation or their treasurer 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.

Power to re-borrow, subject to exceptions.

98. Where the Corporation pay off any money by instalments or a sinking fund, as in this Act directed, their powers of borrowing shall, to the extent of the money so paid off, determine, but they may from time to time re-borrow any money paid off otherwise than by instalments or a sinking fund.

Form of mortgages.

99. The provisions of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, shall be incorporated with this Act, and shall be construed as if the word "Corporation" had been inserted therein instead of the word "Commissioners," or where any act is required or authorised to be done by or to a certain number of Commissioners, as if the words "the Corporation" had been inserted therein instead of such number of Commissioners.

Amount entitling mortgagees to a receiver.

100. The amounts owing to the mortgagees by whom any application for a receiver is made shall not be less with respect to the borough fund than five thousand pounds, and with respect to the general district fund than ten thousand pounds in the whole.

Priority of existing mortgages.

101. All mortgages and securities granted by the Corporation before the passing of this Act on the security of the borough fund and of the rates authorised to be levied under the Act of 1854, and "The Towns Improvement Clauses Act, 1847," respectively, shall, whilst subsisting, have priority respectively over mortgages granted under this Act on the security of the borough fund and the general district fund respectively.

Application of money borrowed.

102. All money borrowed by the Corporation under this Act on the credit of the general district fund shall be applied for the following purposes, but not otherwise; (that is to say,)

First. In defraying the expenses of this Act, referred to in the last section of this Act:

Secondly. In repaying the said two sums of eleven thousand and seventy-one pounds eighteen shillings and one penny halfpenny and one thousand nine hundred and twenty-four pounds six shillings and one penny halfpenny, and any additional sum which the Corporation may, at the time of the passing of this Act, have expended in respect of "The Towns Improvement Act, 1847," in excess of the amount borrowed on mortgage under that Act.

A.D. 1870.

And then as follows; (that is to say,)

- (a.) The sum of one hundred and eighty-nine thousand pounds in carrying into execution the provisions of this Act with respect to the construction of sewerage works and the acquisition of land and easements therefor:
- (b.) The sum of twenty-four thousand pounds in carrying into execution the provisions of this Act with respect to the formation of new streets and execution of permanent improvements:
- (c.) The surplus in carrying into execution the provisions of this Act with respect to the formation of the cattle market and the acquisition of land therefor.

103. It shall be lawful for the Corporation to pay to the auditors, in respect of the audit by them of the accounts to be kept by the treasurer under this Act, such reasonable remuneration as the Corporation, by the council, may from time to time determine.

Audit of general district fund accounts.

104. The one hundred and sixty-first section of the Act of 1854 is hereby repealed; and in lieu thereof be it enacted as follows: In the month of September in every year the treasurer shall make out in writing, and shall cause to be printed, a full abstract of such accounts for the preceding year ending on the thirtieth day of June, and a copy thereof shall be open to the inspection of all the ratepayers of the borough, at the office of the treasurer, in the Town Hall, and copies thereof shall be delivered to all such ratepayers on payment of a sum of sixpence for each copy.

Accounts to be made out and annually published.

105. Nothing in this Act shall restrict any of the powers of the Corporation under the Municipal Corporation Acts or otherwise for borrowing money.

Act not to restrict borrowing powers of Corporation.

106. The Corporation may, if they think fit, raise all or any part of the moneys which they are from time to time authorised by the Act of 1854, or "The Towns Improvement Clauses Act, 1847," or this Act, to borrow or re-borrow by granting annuities for lives, or for terms of years not exceeding seventy-five years from the passing of this Act, and for that purpose the Corporation may, by deed under their common seal, grant annuities accordingly, chargeable

Power to raise money by annuities.

A.D. 1870. respectively upon the respective funds upon which the Corporation are authorised to borrow and re-borrow as aforesaid.

Price of annuities.

107. 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.

Form of register, transfer, &c. of annuities.

108. A grant of an annuity under this Act may be according to the form (B.) in the second schedule to this Act, or to the like effect, and the provisions of "The Commissioners Clauses Act, 1847," 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.

Restriction of redemption of annuities.

109. 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 more than a proportionate part of the amount of the original purchase money for the annuity.

PART X.—AS TO LANDS.

General power to take lands.

110. The Corporation shall, for the purposes of this Act and the Act of 1854 and the Acts incorporated therewith respectively, have the powers of taking lands conferred on local boards by the seventy-fifth section of "The Local Government Act, 1858," and any Act amending the same: Provided that the generality of this provision shall not be restricted by and shall not restrict any of the other sections and provisions of this Act.

Power to sell, &c. lands not wanted.

111. The Corporation from time to time, as and when they think fit, but subject nevertheless to the provisions as to superfluous lands of "The Lands Clauses Consolidation Act, 1845," may sell or may lease and afterwards sell and dispose of the reversion of, or may exchange or otherwise dispose of any streets, buildings, or lands, or any parts thereof respectively, or any easements in or over any streets, buildings, or lands, or any parts thereof respectively, acquired by or vested in them under the Act of 1854 or this Act, and not in their judgment required for the purposes for which they were acquired, and may enter into and carry into effect any contracts, deeds, acts, or things proper for effectuating any such sale, lease, exchange, or other disposition, and any lease may be for any term of years not exceeding nine hundred and ninety-nine years;

and for any yearly rent, with or without fine, and with such reservations, covenants, conditions, and provisions as the Corporation think fit, and any lease or sale may be by public auction or private contract, and with or without any special conditions; and the Corporation may fix reserved biddings, and buy in at auctions, and alter or rescind, on terms or gratuitously, any contract for a lease or sale, and generally may lease or sell in such manner and on such terms and conditions whatsoever as they think fit, and may lease and convey the premises agreed to be leased and sold accordingly. A.D. 1870.

112. The Corporation, in any case, shall, within twenty years after the completion of any street improvement 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 thereof, or of any other street improvement or work for the time being authorised to be made by the Corporation, but nothing in the present section shall compel the Corporation to sell and dispose of the ground rents reserved in any such conveyances or leases as aforesaid. Sales to be made within 20 years.

113. In all cases in which, by any subsisting provision of the Act of 1854, or by this Act, the Corporation are authorised to enter upon, purchase, or take any land, buildings, or premises, or easements in or over the same respectively, of any person, (except a person under any disability or incapacity, and not having power to sell or convey the same otherwise than under the provisions of the Act of 1854 or this Act, or "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869,") the Corporation may acquire the same by way of exchange for other land, buildings, or premises, or easements of the Corporation, and may convey the last-mentioned land, buildings, or premises and easements in exchange accordingly. Power to exchange.

114. The Corporation shall apply all moneys from time to time receivable by them in respect of any sales, leases, exchanges, or dispositions of lands and premises by this part of this Act authorised in or towards paying off moneys for the time being owing on the credit of the general district fund, independently of the sinking fund, and the borrowing powers of the Corporation shall be reduced to the extent of any amount so paid off, and in the event of the whole of such debts being paid, then in discharging any other debt of the Corporation, and finally in the execution of such works only to the carrying out of which capital may be properly applied, and shall carry any surplus of such moneys to the credit of the general district fund. Application of moneys from sale, &c. of lands.

A.D. 1870.

PART XI.—AS TO BYELAWS.

Power to
make bye-
laws.

115. The Corporation may from time to time make byelaws, and from time to time repeal, alter, or amend byelaws, for all or any of the purposes following; viz.,

With respect to—

The constructions of waterclosets, privies, and cesspools, cleansing streets and footpaths, removal of refuse, cleansing privies, ashpits, and cesspools;

Prevention of nuisances by snow, filth, and keeping of animals;

The regulation of slaughter-houses;

Fires;

Places of public resort;

Hackney carriages;

Obstacles and nuisances in the streets;

And the Corporation may by any byelaw impose penalties for offences against the same, not exceeding in respect of any single offence five pounds, and so that all byelaws be so framed as to allow of part only of the maximum penalty being inflicted: Provided always, that a byelaw made under the authority of this Act shall not be of any legal force until the same shall have received the approval of one of Her Majesty's Principal Secretaries of State.

Publication
of byelaws.

116. All byelaws made by the Corporation in pursuance of this Act shall be printed and hung up in the Town Hall of the borough, and copies of the same shall be delivered to any ratepayer of the borough upon his application for the same, and upon payment of one shilling.

Power to
repeal, &c.
present bye-
laws.

117. The Corporation may from time to time repeal, alter, or amend all or any of the byelaws now in force within the borough made under any of the provisions of the Act of 1854, or any Act or Acts wholly or partially incorporated therewith: Provided that any such byelaws made under any enactment repealed by this Act shall (save as is by this Act otherwise expressly provided) remain in force until expressly repealed by the Corporation as aforesaid, and until fresh byelaws are made and confirmed in accordance with this Act.

PART XII.—AS TO LEGAL PROCEEDINGS, EXECUTION OF WORKS, AND RECOVERY OF EXPENSES.

Recovery of
penalties, &c.

118. All damages, costs, and expenses recoverable under this Act or the Act of 1854, or any Act wholly or in part incorporated therewith respectively, or under any byelaw made thereunder respectively,

and all penalties under any such Act or byelaw, shall be recoverable by the Corporation either according and subject to the provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices, and as if the word "Corporation" were inserted therein instead of the word "Company," or, if the Corporation think fit, in the superior courts, or any court of competent jurisdiction.

A.D. 1870.

Proceedings for damages in superior courts.

119. In any case where the Corporation are by this Act or the Act of 1854, or by any byelaws thereunder respectively, or otherwise, authorised to demolish or alter any house, building, or other erection, it shall be lawful for the Corporation to cause to be made complaint before a justice of the peace of the matter in default, or in respect of which such demolition or alteration is authorised, who shall thereupon issue a summons requiring the owner or occupier of the premises, or the builder or other person in default or engaged in the works, to appear at a time and place to be stated in the summons to answer such complaint, and if at the time and place appointed in such summons the said complaint shall be proved to the satisfaction of the justice before whom the same shall be heard, such justice shall make an order in writing on such owner or occupier, builder, or person directing the demolition or alteration, as the case may be, of any such house, building, or erection, or so much thereof respectively as the case may require, within such time as such justice shall consider reasonable, and may also, if he shall think fit, make an order for the payment of the costs incurred by the Corporation up to and inclusive of the time of hearing; and in default of the house, building, or other erection being demolished or altered in the manner and within the time limited by and according to the exigency of the said order, the Corporation may forthwith enter the premises to which the order relates and demolish or alter the house, building, or erection complained of, and do whatever may be necessary to execute the said order, and may also remove the materials to a convenient place, and subsequently sell the same as they think fit, and the amount of expenses incurred by the Corporation in carrying into effect the said order and in disposal of the said materials shall be determined and settled by the surveyor, and may be recovered by the Corporation from the owner or occupier of the said premises, or the builder or person engaged in the work, either by action at law or in a summary manner before a justice of the peace, at the option of the said Corporation, in the manner herein by this Act provided as to the recovery of penalties.

Provision as to demolition of improper buildings, &c.

120. In all cases where the Corporation shall have incurred expenses for the repayment whereof the owner or occupier of the

Surveyor's apportionment of

A.D. 1870.

expenses payable by owners to be conclusive after one month.

lands, houses, or other property for or in respect of which the same are incurred is made liable by the application of or agreement with the owner or occupier, or by this Act or the Act of 1854, or any Act incorporated therewith respectively, and such expenses have been settled or apportioned by the surveyor as payable by such owner or occupier, such settlement and apportionment shall be binding and conclusive upon such owner or occupier, unless within the expiration of one calendar month from the time of written notice being given by the Corporation or their surveyor of the amount of the proportion so settled by the said surveyor to be due from such owner he shall by written notice object thereto, and state the particulars and grounds of his objection, and thereupon such respective amount shall be settled or apportioned by the justices or court before whom the same expenses are by section 118 hereof made recoverable.

Interest on such expenses.

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

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

122. Whenever by this Act or the Act of 1854, or any Act incorporated therewith respectively, or any byelaws thereunder respectively, 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 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 shall be settled by the surveyor, and be repaid to them by the person making default in the execution or doing of, or improperly, or insufficiently, or unlawfully executing or doing such work, act, or thing, as the case may be, notwithstanding any penalty may be imposed upon such person by the said Acts or any such byelaw.

Power to enter and inspect.

123. The Corporation, by their officers and servants, may at all reasonable times, between the hours of nine in the morning and four in the afternoon, 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 lands or buildings 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 the Act of 1854, or of any byelaw thereunder respectively, have been complied with, or whether anything prohibited by this Act or the Act of 1854, or any such byelaw, is being done or suffered, or of carrying into execution any of the powers contained in this Act or the Act of 1854, or in any such byelaw, without being deemed trespassers or liable to any action, indictment, or other proceeding on account thereof, and in case of any refusal to permit any such entry the provisions of section twenty-two of the Act of 1854 relative to obtaining an order of justices authorising entries on premises shall apply to the purposes of this section.

A.D. 1870.

124. 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 the Act of 1854, or any Act incorporated therewith respectively, or any byelaws thereunder respectively, 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.

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

125. Nothing in this Act shall alter the liabilities respecting the payment of any rates or 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.

Saving for special contracts between landlords and tenants.

126. Whenever the Corporation or their surveyor are by this Act or the Act of 1854, or any Act incorporated therewith respectively, or any byelaws thereunder respectively, authorised to execute, re-execute, or alter any work, act, or thing in default of the owner, occupier, or other person required to do such work, act, or thing, the Corporation shall not be liable to pay any damages, penalties, costs, charges, or expenses for or in respect of or consequent upon the executing, re-executing, or altering such work, act, or thing, except damages arising from any wilful neglect or default by the Corporation or their officers in or about the executing, re-executing, or altering of such work, act, or thing.

In executing works in default of owner, Corporation only liable for negligence.

127. No incumbent, minister, or trustee of any church, chapel, or place appropriated to public religious worship, which is now by law exempt from rates for the relief of the poor, shall be liable to any expenses under this Act of draining, levelling, paving, flagging, or channelling, metalling, or making good any street, as the owner

No incumbent of any church, &c. liable to expenses for draining and paving.

A.D. 1870. — or occupier of such church, chapel, or place, or of any churchyard or burial ground attached thereto, situate within any street, nor shall any such expenses be deemed to be a charge on such church, chapel, or other place, or on such churchyard or burial ground, or to subject the same to distress, execution, or other legal process, and the Corporation may, if they think fit, undertake any works from the expenses of which any such incumbent, minister, or trustee is hereby exempted, and defray the expenses thereof out of the general district rates.

Power to apply general district fund in executing works for private owners.

128. Whenever the Corporation are by this Act or the Act of 1854, or any Act incorporated therewith respectively, or any byelaw thereunder respectively, authorised to execute, re-execute, or alter any work, act, or thing in default of the owner, occupier, or other person required to do the same, and whenever the Corporation execute any works upon the application of or by agreement with the owner of the lands, houses, or other property for or in respect of which the same are to be executed, the Corporation may apply the general district fund in or towards the executing, re-executing, or altering of such work, act, or thing, but this section shall not affect the liability of any such owner, occupier, or other person to repay the moneys expended by the Corporation.

Expenses due from owners to be a charge on premises.

129. Where the Corporation have incurred expenses for the repayment whereof the owner of the lands, houses, or other property for or in respect of which the same are incurred is made liable, either by application of or agreement with the owner, or by this Act or the Act of 1854, or any Act incorporated therewith respectively, the same may be recovered from the person who is owner of such lands, houses, or other property when the works are completed for which such expenses have been incurred in the manner provided by this Act, and such expenses may, by resolution of the council, be declared, and thereupon shall be a charge on the lands, houses, or other property in respect of which they were incurred, and shall bear interest at the rate of five pounds per centum per annum till payment thereof; and in all summary proceedings by the Corporation for the recovery of expenses incurred by them in works of private improvement, the time within which such proceedings may be taken shall be reckoned from the date of the service of notice of demand.

Incidents of such charge.

130. Every such resolution as last aforesaid shall be published once at the least in some newspaper for the time being published or circulating in the borough, and the charge thereby created or declared shall have priority over all other charges affecting the said lands, houses, or property, and the Corporation shall, with respect

to such charge, and the lands, houses, or property charged, have the same right in equity of foreclosing the same as belongs to mortgagees in fee of lands, and may exercise all such powers of sale and other powers with respect to such charge, and the lands, houses, or property charged, as are conferred upon mortgagees by the Act of twenty-third and twenty-fourth Victoria, chapter one hundred and forty-five, entitled "An Act to give to trustees, mortgagees, and others certain powers now commonly inserted in settlements, mortgages, and wills," and this section shall apply to every existing or future agreement with the Corporation for the repayment of any such sums as aforesaid; and the owner, either at law or in equity, of any lands, houses, or property, entering or having entered into any such agreement, whether the works were compulsorily executed or merely authorised and executed by agreement, may charge, and in the case of any agreement as to which the works therein agreed for shall have been completed shall be deemed to have effectually charged, the inheritance or reversion of such lands, houses, or property with the full amount and interest agreed to be paid, and every such charge shall have the same incidents as are hereby conferred with respect to the charges in this section first referred to, except so far as such incidents are expressly varied by any such agreement or charge.

131. When any person shall advance any money for expenses for the repayment of which the owner of the lands, houses, or other property for or in respect of which the same are incurred is made liable, either by application of or agreement with the owner, or by this Act or the Act of 1854, or any Act incorporated therewith respectively, the Corporation may issue a grant in the form (A.) in the second schedule hereunto annexed, or to the like effect, to such person of a yearly rentcharge to be issuable out of the lands, houses, or other property in respect whereof such advance shall have been made, or out of such part thereof to be specified in such grant as the Corporation shall think proper and sufficient, such rentcharge to be personal estate, and to begin to accrue from the day of completion of the works on which such money shall have been expended as aforesaid, and to be payable by equal half-yearly payments for and during a term not exceeding thirty years, in such manner that the whole of the said sum so to be advanced as aforesaid, together with the costs of preparing the said grant so to be issued as aforesaid, together with interest thereon respectively at a rate not exceeding six pounds per centum per annum upon the sum from time to time remaining unpaid, shall be repaid at the end of the said term: Provided always, that the grantee of such rentcharge shall, for the recovery of the same, have all

Rentcharges may be granted for advances made to meet cost of private improvements.

A.D. 1870. the powers, authorities, rights, and remedies conferred upon the Corporation with respect to the recovery of expenses incurred by them in executing private improvements, and with respect to charges made by them under the authority of the last preceding section of this Act.

Rentcharges to be registered.

132. All rentcharges made in pursuance of the last section, and all transfers thereof, shall be registered in the same manner respectively as mortgages under the authority of this Act, and transfers thereof, are required to be registered.

Forms in schedule authorised.

133. The forms contained in the second schedule to this Act, or any forms to the like effect, with such variations or additions as circumstances may require, may be used as instruments under this Act or the Act of 1854, or any Act incorporated therewith respectively, and shall be sufficient for the purpose intended.

Notices to be signed by town clerk or surveyor.

134. Any notice or other such document under this Act may be in writing or print, or partly in writing and partly in print, and if the same require authentication by the Corporation, the signature thereof by the town clerk or the surveyor on behalf of the Corporation shall be sufficient authentication.

Publication of orders for works

135. Every order or notice of the Corporation requiring any person or persons to execute any work or works which the Corporation by this Act or the Act of 1854, or otherwise, are entitled to require to be executed by such person or persons, may, if the Corporation think fit, and unless otherwise expressly directed by this Act or the Act of 1854, be published once in two successive weeks in some newspaper circulating within the borough, and likewise be publicly posted in the street, building, land, or place in respect of which such work is required to be executed, for three successive weeks, and the publication and posting thereof as aforesaid shall be sufficient notice to all owners, lessees, tenants, occupiers, and others interested in the matters referred to in such order or notice.

PART XIII.—SAVING CLAUSES.

Saving certain rights of lords of manor.

136. Nothing in this Act contained shall extend to defeat any claim of the lord or lords, lady or ladies, for the time being of the said manor of Blackburn to the right of appointing the constable of the said township of Blackburn, or to deprive them, him, or her of any power they, he, or she may now possess of appointing such constable.

Saving for general rights and remedies of Corporation.

137. Except as is by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the jurisdictions, franchises, estates, rights, interests, powers, privileges,

authorities, or immunities of the Corporation under the Municipal Corporation Acts or otherwise. A.D. 1870.

138. Nothing in this Act shall exempt the Corporation from the provisions of any general Act hereafter passed with respect to markets and fairs, or from any revision by Parliament of the tolls by this Act granted to the Corporation. Corporation not exempt from provisions of general Acts.

139. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Corporation out of any moneys now in their hands, or to be received by them under this Act or the Act of 1854. Expenses of Act.

A.D. 1870.

SCHEDULES to which the foregoing Act refers.

THE FIRST SCHEDULE.

Tolls in Cattle Market.

	s.	d.
For each horse, pony, bull, bullock, cow, or other beast or animal offered for sale by auction, and whether sold or not, not exceeding - - - - -	1	0
For every other horse or pony, not exceeding - - - - -	0	4
For each ass or mule, not exceeding - - - - -	0	2
For each bull, bullock, cow, steer, or heifer, whether tied or not, and, if tied, including use of tie, not exceeding - - - - -	0	3
For each calf, not exceeding - - - - -	0	1
For sheep, rams, lambs, or goats, per score not exceeding - - - - -	1	4
For each sheep, ram, lamb, or goat, under a score not exceeding - - - - -	0	1
For every stallion or entire horse, and for every other animal not before named in this schedule, brought into the market for sale or for show, not exceeding - - - - -	1	0
For each pig - - - - -	0	2

And the above tolls, according to the respective classes thereof, to be payable for the respective subjects thereof, for each day in which the same are respectively placed in the market, whether for sale or not.

THE SECOND SCHEDULE.

Form (A.)

By virtue of "The Blackburn Improvement Act, 1870," the mayor, aldermen, and burgesses of the borough of Blackburn do hereby declare and absolutely order that the inheritance of the [dwelling-house, shop, lands, and premises, *as the case may be*] situate in _____ Street, in the borough of Blackburn, and now in the occupation of _____, shall be absolutely charged with the sum of _____ pounds, paid by _____, of _____, for the improvement by drainage [*here state generally the work done*] of the same dwelling-house, shop, lands, and premises (*as the case may be*), together with interest for the same, from the date hereof, after the rate of _____ pounds per cent. per

annum, until full payment thereof, and also all costs incurred by the said A.D. 1870.
his executors, administrators, or assigns, under
this security, until the same respectively shall be fully paid and satisfied: And
we hereby further declare that the said principal, interest, and costs shall
be paid and payable by the owner or occupier of the said premises to the
said _____, his executors, administrators, and assigns, in
manner following; (that is to say,) the costs to be forthwith paid, and the
interest of such principal sum of _____, or on so much
thereof as shall from time to time remain due and payable under this security,
shall be paid and payable by equal half-yearly payments, whilst payable, on the
day of _____ and the _____ day of _____
in every year, the first payment thereof to be made on the _____ day
of _____ next, and such principal sum of _____ shall
be paid and payable by equal annual instalments on the _____ day
of _____ in each of the next succeeding _____ years, towards
the discharge of and until the same principal sum shall be fully satisfied and
discharged.

As witness our common seal, this _____ day of _____ 18 _____.

Form (B.)

By virtue of "The Blackburn Improvement Act, 1870," the mayor, aldermen, and burgesses of the borough of Blackburn, in the county palatine of Lancaster, in consideration of the sum of _____ pounds sterling paid to the treasurer of the said borough by (A.B.)
of _____, for the purposes of the said Act, do hereby grant unto the said (A.B.) an annuity of _____ pounds out of the [general district rate and fund *or* borough rate and fund, *as the case may be*], by that Act charged therewith, which annuity of _____ pounds shall be paid to the said (A.B.) or his assigns during the term of his life [*or* to the said A. B., his executors, administrators, or assigns during the natural life of _____, *or* during the natural lives of _____ *or* _____, and the life of the survivor of them], or for the term of _____ years, upon the day of _____ and the _____ day of _____ in every year during the continuance of the annuity, at the office of the treasurer in the Town Hall in Blackburn, by equal half-yearly payments, the first payment to be made on the _____ day of _____ 18 _____.

As witness our common seal, this _____ day of _____ 18 _____.

A.D. 1870.

Form (C.)

I [A.B., of _____], in consideration of
pounds paid to me by [C.D., of _____], do hereby
transfer to [(him) (his)] executors, administrators, or assigns, the annuity of
_____ pounds granted by the mayor, aldermen, and bur-
gesses of the borough of Blackburn, in the county palatine of Lancaster,
to _____, by a grant dated the _____ day of
18 _____, for the natural life of _____ [as the case may be,
or if the transfer be by endorsement, the within annuity], and all the securities,
rights, and remedies for the same.

As witness my hand and seal, this _____ day of _____ 18 .

Form (D.)

The Blackburn Improvement Act, 1870.

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

Dated this _____ day of _____ 18 .

A.B.,

Town Clerk.

Form (E.)

NOTICE FOR EXECUTION OF WORKS.

The Blackburn Improvement Act, 1870.

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

Dated this _____ day of _____ 18 .

Borough Surveyor.

To
of

[Here specify works required.]

Form (F.)

NOTICE OF INTENTION OF CORPORATION TO EXECUTE WORKS, &C.

The Blackburn Improvement Act, 1870.

The Corporation of Blackburn hereby give you notice, that they intend to execute and do the works and things hereunder specified.

Dated this day of 18 .

Borough Surveyor.

To
of

[*Here specify the works.*]

Form (G.)

AUTHORITY FROM CORPORATION.

The Blackburn Improvement Act, 1870.

The Corporation of Blackburn hereby authorise you

[*Here specify the act authorised.*]

for doing which this shall be your warrant.

Dated this day of 18 .

Borough Surveyor.

To

Form (H.)

The Blackburn Improvement Act, 1870.

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

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

And further, that a plan and section showing the particulars of the said works are deposited at the office of the borough surveyor, within the Town Hall in the said borough, for inspection, and the same can be inspected on any day (Sunday excepted) between the hours of nine o'clock in the morning and six o'clock in the evening, and the borough surveyor, upon application, will give such further information as may be needed or you may require. And further,

[Ch. clx.] *The Blackburn Improvement Act, 1870.* [33 & 34 VICT.]

A.D. 1870. that in case of your default in the premises the Corporation will, without further notice, execute the said works, and charge you with the expenses thereof.

Dated the _____ day of _____ 18 .

Borough Surveyor.

SPECIFICATION REFERRED TO IN THE FOREGOING NOTICE.

[*Here specify works; the following is an example.*]

The carriageway of the before-mentioned street must be excavated to the depth and extent shown upon the plan and section, and a formation or underbed of the average depth of twelve inches, composed of broken stone (each stone broken so as to pass through a ring two and a half inches in diameter), laid thereon in the manner shown upon the section, and covered with a layer of clean sharp screened gravel, three inches in thickness, and properly prepared for the paving.

Cast-iron gullies and grates to be fixed in the positions shown on the plan, and to be of the form and dimensions of the sample gully and grate laying for inspection at the storeyard of the Corporation, at Bank Top. The outlets from the respective gullies must be properly trapped and connected with the existing sewers with glazed earthenware pipes of six inches internal diameter, the joints being made water-tight with clay puddle or cement.

The flags, curbstones, and setts must be of Haslingden Grane or other stone of equal quality, and such as shall be approved by the borough surveyor. The setts to be not more than six inches nor less than three and a half inches wide, nine inches long, and seven inches deep. The flags must not be less than three inches in thickness. The curbstones to be twelve inches deep and six inches broad, except the curved portions, which must be twelve inches broad and eight inches deep.

The curbstones must be in lengths of not less than three feet each, well dressed, squared, and jointed, and properly laid to the inclination shown on the section.

The channels must be formed of two equal and uniform courses of gauged setts, twelve inches wide, well jointed, and set on the underbed before described, and to the inclination of the centre of the street, as shown on the section.

The carriageway of the street must be paved with square setts, as before described, which when laid must be paved close in courses of equal breadth, well and firmly bedded in the gravel, the joints between the courses not to exceed half an inch, and to have the gravel well crammed in all the joints, well wrecked up, and the whole well rammed with proper beaters, and afterwards the whole surface to be covered with a layer of clean sharp gravel, not less than one inch thick.

The flags must be well squared through, laid with close joints in good lime mortar on a bed of screened ashes, or sand and ashes, not less than three inches in thickness. No flag to contain less than five superficial feet, except such as are used for closers.

Form (I.)

The Blackburn Improvement Act, 1870.

The Corporation of Blackburn do hereby give you notice, that from and after the expiration of forty-eight hours from the service hereof, and between the hours of six o'clock in the forenoon and five o'clock in the afternoon, the Corporation will, by their surveyor and workmen, enter upon the house, privy, ashpit, cesspool, and other the premises in the occupation of you, situate in

Street, in the borough of Blackburn, as well for the purpose of inspection as for the purpose of executing the work consequent upon and incidental to the construction and laying of a branch drain, or diverting any present drain (if any) from the said house, privy, ashpit, cesspool, and other the premises aforesaid, into the main sewer of the Corporation in the said street, and so on; from day to day, until the same shall be fully and effectually constructed and laid or diverted, as the case may be.

Dated this _____ day of _____ 18 .

Town Clerk.

To
the owner, and
the occupier of the said premises.

Form (J.)

The Blackburn Improvement Act, 1870.

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

And further, that a meeting of the highway and general drainage committee will be held in the committee room at the Town Hall on _____, the _____ day of _____, 18 , at _____ o'clock in the _____ noon, to hear and consider any objections which any person interested in such intended work, or likely to be aggrieved thereby, may make against the same; and all such persons are hereby warned to attend accordingly.

Dated this _____ day of _____ 18 .

Town Clerk.

The SCHEDULE.

A new sewer commencing at _____ and terminating
at _____

A.D. 1870.

Form (K.)

The Blackburn Improvement Act, 1854.

Pursuant to section thirty-six of the said Act, the Corporation of Blackburn hereby give you notice, and require you within _____ next after the service of this notice, to form, flag, and complete the footway opposite to or adjoining your and each of your said premises in _____ Street, in the said borough, in the manner specified in and according to the specification hereunder written.

And further, that a plan, showing the work required to be done, is deposited for inspection at the surveyor's office, within the Town Hall, Blackburn, aforesaid, where the same may be inspected on any day (Sunday excepted), between the hours of ten o'clock in the forenoon and six o'clock in the afternoon; and further, that in case of your default in the premises, the Corporation will, without further notice, execute the said works, and charge you with the expenses thereof.

Dated this _____ day of _____ 18 .

Town Clerk.

SPECIFICATION ABOVE REFERRED TO.

[*Here specify works; the following is an example.*]

The footpath to be formed and flagged of the width shown upon the said plan, and for the whole extent of the property fronting or abutting upon the said street.

The sidestones to be of Haslingden Grane, Cunliffe, or other approved quality of stone, six inches thick and twelve inches deep, square dressed on the top and front, and three inches on the back; square jointed at the ends, and in lengths not less than three feet; and when set to be firmly bedded on gravel or other suitable materials.

The flags to be of Haslingden Grane or other approved stone, sound and of good quality, not less than three inches thick, and smooth on the face; laid in regular courses from the wall breaking joint, and to measure on an average six superficial feet to each flag. Each flag to be well squared through the whole thickness, well bedded on a beaten foundation of gravel or ashes, and jointed in good lime mortar.