



CHAP. xciv.

An Act to authorise and empower the Mayor, Aldermen, and Burgesses of the borough of Bradford in the west riding of the county of York to purchase the Undertaking of the Bradford Gaslight Company; to enable the Company to sell the same; to take Lands for defecating the sewage of the borough; and for other purposes. [29th June 1871.] A.D. 1871.

WHEREAS by an Act passed in the third year of the reign of His late Majesty King George the Fourth, intituled "An Act for lighting with gas the town of Bradford and the neighbourhood thereof within the parish of Bradford in the west riding of the county of York," a company of proprietors were incorporated by the name of "the Bradford Gaslight Company," (in this Act called "the Company,") for lighting with gas the town of Bradford and places adjacent in the parish of Bradford; and by another Act passed in the eighth year of the reign of Her present Majesty Queen Victoria, intituled "An Act to alter the provisions of an Act for lighting with gas the town of Bradford and the neighbourhood thereof within the parish of Bradford in the west riding of the county of York," further powers were conferred upon the Company: 3 G. 4. c. vi.
8 & 9 Vict.
c. xii.

And whereas the Company have exercised and continue to exercise the powers conferred upon them by the said Acts:

And whereas the several Acts mentioned in the first schedule to this Act relate to the mayor, aldermen, and burgesses of the borough of Bradford in the west riding of the county of York, (in this Act called "the Corporation,") and the same Acts are in this Act referred to as the recited Acts:

And whereas it is expedient that the power of supplying gas within the area now supplied with gas by the Company should be transferred to the Corporation:

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— And whereas the Company have entered into an agreement with the Corporation for the sale of the undertaking, works, and property of the Company to the Corporation, which said agreement is set forth in the second schedule to this Act, and it is expedient that such agreement be confirmed and carried into effect as in this Act provided :

And whereas under certain proceedings in the High Court of Chancery the Corporation have given a conditional undertaking that on or before the eleventh day of January one thousand eight hundred and seventy-two they will take steps to defecate the sewage collected in the sewers constructed by them, and it is expedient that the Corporation should be empowered to acquire lands for such purpose, and to do all necessary acts for the defecating of such sewage :

And whereas plans describing the lands and houses to be taken compulsorily for the last-mentioned purpose, and a book of reference to those plans containing the names of the owners or reputed owners, the lessees or reputed lessees, and occupiers of such lands and houses, have been deposited with the clerk of the peace for the said west riding of the county of York, and the same are in this Act referred to as the deposited plans and deposited book of reference :

And whereas it is expedient that the Corporation should be empowered to acquire land for the formation of public parks as places of resort and recreation for the inhabitants of the borough, and that they should be empowered to lay out and maintain such parks, and to lay out and maintain similar public places on lands already in their possession, and that they should be authorised from time to time to make regulations for the management of such places :

And whereas it is expedient that regulations should be made as to the laying out and formation of streets, the erection and proper ventilation of buildings, and for obtaining efficient sanitary conveniences for the same, the prevention of nuisances, and the licensing of public vehicles plying for hire within the borough :

And whereas it is expedient that the Corporation should be authorised to raise further moneys :

And whereas the purposes aforesaid cannot be effected without the authority of Parliament :

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

Short title.

1. This Act may be cited for all purposes as “The Bradford Corporation Gas and Improvement Act, 1871.”

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Lands Clauses Consolidation Act, 1869," and "The Gasworks Clauses Act, 1847," (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit), shall (except where expressly varied by this Act) be incorporated with and form part of this Act.

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Provisions of general Acts herein named incorporated.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in this Act and the Acts wholly or partially incorporated therewith, the expression "the corporation" shall mean the mayor, aldermen, and burgesses of the borough of Bradford in the west riding of the county of York; the expression "the borough" shall mean the borough of Bradford in the west riding of the county of York; the expression "the undertakers" or "the promoters of the undertaking" shall mean the Corporation; the expression "the Company" shall mean the Bradford Gaslight Company; the expression "superior courts" or "courts of competent jurisdiction," or any other like expression, 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.

Interpretation of terms.

4. The Corporation by the council of the borough are hereby empowered to carry this Act and the several powers thereof into execution.

Council of borough to execute Act.

5. For the purpose of carrying this Act into execution the Corporation from time to time may appoint out of their own body such and so many committees, consisting of such number of persons as they think fit, for the execution of any of the purposes of this Act which in the discretion of the Corporation would be better regulated and managed by means of such committee, and may delegate to any such committee, or to any committee appointed or to be appointed under the powers of the recited Acts, such of the powers and duties of the Corporation under this Act as they 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 Corporation, so that the acts of every such committee shall, if the Corporation so order, but not otherwise, be submitted to the Corporation for their approval, and the quorum of any such

Appointment of committees by Corporation.

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committee shall be such as the Corporation direct; and the Corporation may from time to time make such regulations as they think fit for the guidance of any such committee, and the Corporation 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 Corporation, and the attendance at and conduct of business at such committees shall be limited to the members thereof and their officials.

Authorising agreement as to purchase of Company's undertaking.

6. The agreement set forth in the second schedule to this Act shall be and the same is hereby confirmed, and the Company shall sell to the Corporation, and the Corporation shall purchase from the Company, at the price and upon the terms agreed on between them, the undertaking, works, lands, property, goods, credits, rights, powers, and privileges of the Company, herein-after called the undertaking, and such sale and purchase shall be effected by means of a conveyance under the seal of the Company and duly stamped, in which the amount of purchase money shall be stated.

Receipt of three of the committee of management for purchase money to be a sufficient discharge.

7. The receipt in writing of three of the committee of management of the Company indorsed on the deed of conveyance for the purchase and other money to be paid to them by the Corporation shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received, and from being answerable or accountable for the loss, misapplication, or non-application thereof, and the Corporation shall not be required to take notice of, nor shall they be bound by, any trust respecting such money, or respecting any share in the undertaking.

Gas Company to wind up affairs.

8. As soon as conveniently may be after the conveyance to the Corporation of the undertaking of the Company the committee of management shall proceed to wind up the affairs of the Company, and distribute and pay their net moneys to and among the several persons who at the time of the conveyance shall be the registered shareholders of the Company, in proportion to their respective shares of the capital of the Company, or to their respective executors, administrators, successors, or assigns.

Receipt of representatives of shareholders to discharge Gas Company.

9. For the purposes of such winding up the receipt of the trustee, guardian, or committee of any shareholder in the Company shall be an effectual discharge to the Company and to the committee of management thereof for so much of the purchase money or other moneys as in such receipt shall be expressed to be received, and shall exonerate them from any trust or obligation affecting the shares in respect of which such money shall be paid.

10. If at the expiration of twelve months from the date of the conveyance to the Corporation any moneys which ought to be paid to the shareholders of the Company shall remain in the hands of the committee of management, either by reason of the absence from Great Britain or incapacity of any shareholder, or of his executors, administrators, or assigns, or on account of his residence or place of abode not having been ascertained by the Company after reasonable inquiry, or on account of the Company being in doubt as to the true legal ownership of any shares or of any money distributable under this Act, or as to the sufficiency of any acquittance or discharge proposed to be given to them in respect thereof, or on account of any other reasonable cause, the committee of management may pay the same into the Court of Chancery under any Act for the time being in force for the relief of trustees in the matter of such Act and of this Act, previously deducting therefrom the costs of and incident to such payment into court, such costs to be ascertained by one of the taxing masters of the said court; and every such payment into court shall conclusively discharge the Company and committee of management from all further liability with respect to the moneys so paid; and for the purposes of this Act every such payment into court shall be deemed to be payment thereof to the person absolutely entitled thereto, and any person afterwards showing to the satisfaction of the court that he is entitled thereto may obtain payment out of court accordingly.

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Payment
into court
by Gas
Company.

11. Any action, suit, prosecution, or other proceeding whatsoever commenced either by or against the Company previously to the conveyance by the Company shall not abate or be discontinued by such conveyance, but on the contrary shall continue and take effect both in favour of and against the Corporation, in the same manner to all intents and purposes as in case the said conveyance had not been made the same would have continued and taken effect in favour of or against the Company; and the court in which any such action, suit, prosecution, or other proceeding is pending, or any judge, may, upon the application in a summary way of any party thereto, cause the name of the Corporation to be substituted for the name of the Company as party to such action, suit, prosecution, or other proceeding, and the name of the Corporation shall, after any such substitution, be used in any such action, suit, prosecution, or other proceeding in like manner as if the Corporation instead of the Company had originally been party thereto.

Actions not
to abate.

12. Notwithstanding the conveyance, all byelaws, rules, regulations, and orders made by the Company shall continue in force until the same be repealed, altered, or varied by the Corporation, and such

Byelaws to
remain in
force.

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A.D. 1871. byelaws, rules, regulations, and orders, and all penalties and forfeitures thereby respectively imposed, may and shall be enforced, recovered, and applied by the Corporation in the same manner in all respects as if the same had been made and imposed respectively by the Corporation.

Officers.

13. The Corporation shall be at liberty to appoint for the purposes of this Act a treasurer, and to pay him such remuneration as they may think fit, and all officers and persons appointed to or in office or employment under the Company at the time of the conveyance shall (save as provided in the said agreement between the Company and the Corporation in respect of the present manager) continue in their respective offices and employments, according to their respective appointments, until removed therefrom by the Corporation; and all such officers and persons shall have the same powers, privileges, and advantages, and all such officers and persons, and all sureties for the good conduct and faithful accounting for moneys of or by them, or any of them, shall be liable to the same or the like conditions, penalties, obligations, restrictions, and regulations as if such officers and persons had been appointed by the Corporation under this Act, and such sureties had become bound under this Act to or for the benefit of the Corporation, as fully and effectually as if the Corporation had been named in any contract of suretyship instead of the Company.

Books evidence as to shareholders.

14. The persons who shall appear in the books of the Company to be proprietors of shares in the capital of the Company at the time of the execution of the deed of conveyance by the Company shall, unless the contrary is proved to the satisfaction of the committee of management of the Company, be considered to be shareholders of the Company for the purposes of the distribution of the Company's assets.

Company to be dissolved.

15. When and as soon as the debts and liabilities of the Company shall have been fully paid and satisfied, and the assets of the Company shall have been distributed in manner aforesaid and their affairs wound up, the Company shall by virtue of this Act be actually dissolved.

Operation of conveyance.

16. From and after the execution of the said conveyance the undertaking shall become vested in the Corporation and form part of the corporate estates of the Corporation, subject to all debts, contracts, engagements, liabilities, and obligations at the time of the conveyance affecting the Company or the property thereof, and subject also to the annuity to David Swallow by the said agreement

provided to be paid to him, and may be holden, enjoyed, and disposed of accordingly by the Corporation. A.D. 1871.

17. From and after the execution of the conveyance by the Company all the statutory and other rights, powers, privileges, and authorities by or under any Act conferred on, given to, or vested in the Company, so far as the same can be applicable to a municipal corporation, and subject to all the statutory and other obligations, restrictions and duties by or under any Act imposed or incumbent on the Company, so far as the same can be applicable to a municipal corporation and are not inconsistent with this Act, shall apply to and be vested in the Corporation, and may be used, exercised, and enjoyed by the council for and on behalf of the Corporation, and the officers, agents, and servants respectively of the council accordingly, and the common seal of the Corporation may be used when necessary in reference thereto in like manner as if the Corporation had been originally named in and authorised to execute every such Act; and the Corporation and their officers and servants shall be entitled to all the privileges conferred on the Company, and their officers and servants, by any Act relating to the Company, as fully and effectually as if the Corporation and their officers and servants had been therein named.

Powers of
Company
may be ex-
ercised by
Corporation.

18. All debts, rents, and moneys which on the thirtieth day of June one thousand eight hundred and seventy-one shall be due or owing to the Company by any gas consumer or other person, and also a proportionate part of all current rates, rents, or charges from the last quarterly, half-yearly, or other day of payment, and all moneys due and owing to the Company for any supply of gas up to that time, shall belong to the Corporation, and the same shall be paid to and be received and enforced by the Corporation in their own name as fully and effectually as if the same had become payable under a contract entered into with the Corporation, or the Corporation may, if they think fit, but at their own expense, use the name of the Company for the purpose of enforcing payment of any debt, rent, or moneys so due as aforesaid; and in all cases where a current period of payment is running at the time of the transfer of the undertaking to the Corporation, and at the expiration of such period part of the sum due and payable has accrued to the Company and part to the Corporation, the debt, rent, or moneys shall be deemed and taken as wholly due and payable to the Corporation, and be recoverable by them in their own name.

Debts due to
Company to
belong to
Corporation
notwith-
standing
this Act.

19. The Company and the committee of management shall at all times be indemnified by the Corporation against all covenants and

Company
and com-
mittee of

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management
to be indem-
nified.

obligations entered into or cast upon the Company or the committee of management thereof by any deed or instrument or writing executed or made by them previously to the execution of the agreement set forth in the second schedule hereto, or subsequently thereto, if not contrary to such agreement.

General
powers of
the Cor-
poration as
to gas.

20. The Corporation may make, store, and supply gas within the borough and within any place within the limits for supply of gas by the Company, and may sell, manufacture, store, and dispose of coke, coal tar, pitch, asphaltum, ammoniacal liquor, oil, and other matters the products of the coal or other materials employed in the manufacture of such gas, and may also manufacture and sell, let, or deal in gas fittings, tubes, meters, pipes, and all other articles and things in any way connected with gasworks, or with the supply of gas to the consumer thereof, in such manner as the Corporation may think fit: Provided always, that the Corporation shall not make or store gas, or manufacture or store the residual products of gas, on any lands other than the lands belonging or reputed to belong to the Company (and which said lands are described and set forth in the third schedule hereto).

Corporation
liable for
nuisance.

21. Nothing in this Act shall exonerate the Corporation from any indictment, action, or other proceeding for nuisance occasioned by the exercise by them of the powers conferred by this Act as to gasworks in the event of any nuisance being caused by them.

Power to
maintain
works.

22. The Corporation may from time to time maintain, alter, improve, enlarge, extend, or discontinue the gasworks on the present site, and may thereon from time to time make, erect, lay down, provide, and maintain or discontinue and remove additional or other gasworks, houses, and buildings, and also retorts, gasometers, gas-holders, receivers, purifiers, drains, sewers, mains, pipes, meters, lamps, lamp posts, burners, stopcocks, syphons, machinery, and other works and apparatus and conveniences, and may do all such acts as they think proper for making or storing gas, and for supplying gas within the limits.

Power to
hold licenses
under letters
patent.

23. After the conveyance from the Company the Corporation may take, hold, and use any license or authority under any letters patent for the use of any invention relative to the manufacture or distribution of gas, or the utilisation of residual products, but not so as to acquire an exclusive right therein.

Power to
lay pipes
against
buildings.

24. The Corporation, with the consent of the owner or occupier of any building, may lay any pipe, branch, or other necessary apparatus from any main or branch pipe into, through, or against

such building for the purpose of lighting it, or any street, and may, with the like consent, provide and set up any apparatus necessary for securing to such building or street a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply, and may, with the like consent, from time to time repair, replace, alter, or discontinue and remove any such pipe, branch, or apparatus.

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25. The maximum price at which gas shall be sold by the Corporation to all persons who shall burn the same by meter shall not exceed four shillings per thousand cubic feet.

Limiting charge for supply of gas.

26. Every consumer of gas supplied by the Corporation shall, upon the request of the Corporation, consume the gas so supplied by meter, to be provided by the Corporation at the expense of the consumer.

Corporation may require consumers to use meters.

27. Every consumer of gas supplied by the Corporation shall at all times, at his own expense, keep all meters used by him whereby any gas of the Corporation is measured and registered in proper order for correctly measuring and registering such gas, in default whereof the Corporation may cease to supply gas through such meter.

Consumer to keep his own meter in proper order.

28. The Corporation shall at all times between sunrise and sunset be entitled to have access to and to test and inspect all meters, whether belonging to themselves or to any consumer, in order to ascertain whether the same are in proper order for correctly measuring and registering gas, and to take off and remove such meters for that purpose.

Corporation to have access to and power to remove and examine meters.

29. Every person who alters any meter or any part of any meter employed for measuring and registering the supply of gas by the Corporation, or any pipe connected therewith, or who in any way wilfully or knowingly prevents any such meter from duly measuring or registering the quantity of gas supplied by the Corporation, or who knowingly or wilfully destroys or effaces any stamp or mark which is now or may hereafter be used for the stamping and marking of any meter employed for measuring and registering the supply of gas by the Corporation, shall for every such offence forfeit to the Corporation a sum not exceeding five pounds, and the Corporation may, in addition thereto, recover the amount of any damages by them sustained in consequence thereof, and the Corporation may also take off or discontinue the supply of gas to or for the use of the person so offending, notwithstanding any contract which may have been previously entered into.

Penalty for altering or injuring gas meters.

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Incoming tenant not to pay arrears of outgoing tenant unless by agreement.

Power to remove meters and fittings.

30. In case any consumer leave the premises where gas was supplied to him without paying to the Corporation the rate or meter rent due from him, the Corporation shall not require from the next tenant of the premises payment of the arrears so left unpaid, unless the incoming tenant agreed with the defaulting consumer to pay the arrears.

31. The Corporation, after forty-eight hours notice in writing under the hand of the town clerk or surveyor to the occupier, or if unoccupied, then to the owner or lessee, of any land, house, or building in which any gas pipes, mains, meters, or fittings belonging to the Corporation are laid or fixed, and through or in which the supply of gas shall from any cause except the neglect or default of the Corporation be discontinued, may enter upon such land, house, or building between the hours of nine in the forenoon and four in the afternoon, and remove such mains, pipes, meters, or fittings, the Corporation repairing all damage caused by such removal; and every such notice shall be served by being delivered to the person for whom it is intended or left at his usual or last known place of abode or business, or sent by post addressed to such person, or if such person or his address be not known to the Corporation after due inquiry, then by being affixed upon some conspicuous part of such house, land, or building, and in case of there being reasonable ground of apprehension that danger of gas explosion may arise, it shall be lawful for the Corporation at any hour to make such entry and do all such acts without giving any such notice.

Streets under control of Corporation may be taken up without notice.

Illuminating power of gas.

32. It shall not be necessary for the Corporation, before they proceed to open or break up for any of the purposes of this Act any street, bridge, sewer, drain, or tunnel under their control, to give any notice of their intention so to do.

33. All the gas supplied by the Corporation shall be of such a quality as to produce from an argand burner having fifteen holes and a seven-inch chimney, and consuming five cubic feet of gas an hour, a light equal in intensity to the light produced by fifteen sperm candles of six in a pound, burning one hundred and twenty grains an hour.

Corporation to provide meter for testing illuminating power to gas.

34. Within twelve months after the passing of this Act the Corporation shall provide in some part of their works or of their principal office, so placed as to afford a test for all the gas supplied by the Corporation, a proper and sufficient testing meter furnished with an argand fifteen-hole burner and a seven-inch chimney or other approved burner and chimney, capable of consuming five cubic

feet of gas an hour, with other apparatus proper and efficient for testing the illuminating power of the gas. A.D. 1871.

35. Any five consumers of gas may by order in writing appoint some competent person, not being one of themselves, to proceed to the works of the Corporation, and the person so appointed may at any reasonable hour in the daytime, on producing the said order, enter on the premises of the Corporation, and in the presence of the superintendent or other officer of the Corporation make experiment of the illuminating power of the gas by means of the experimental meter and other apparatus provided under this Act, and the Corporation and their officers shall afford all reasonable facilities and assistance for making such experiment, and if it shall be proved to the satisfaction of any two justices after hearing the parties that the illuminating power of the gas supplied by the Corporation did not when so tested as aforesaid equal the illuminating power by this Act prescribed, or that the Corporation or their officers refused to afford such reasonable facilities as aforesaid, or hindered or prevented the making of such experiment, in any such case the Corporation shall forfeit and pay to the consumers signing the order such sum not exceeding twenty pounds as such justices shall determine.

Provision for testing quality of gas.

36. The costs of and attending such experiment, including the remuneration to be paid to the person making the same and the costs of the proceedings before the justices, shall be ascertained by such justices, and in the event of any penalty being imposed on the Corporation shall be paid together with such penalty by the Corporation, but in the event of no penalty being imposed such costs shall be awarded to be paid by the person complaining to the Corporation, and shall be paid or levied accordingly.

Costs of experiment to be paid according to event.

37. No person shall be incapable of acting as a justice in the execution in any respect of this Act by reason of his being interested in any contract under this Act for a supply of gas, or being liable under this Act to the payment of any rate or other money, or by reason of his being a member of the Corporation.

Liability to rates not to disqualify justices.

38. If and whenever any person shall neglect or refuse to pay the amount due from him to the Corporation in respect of gas rates or rents, or the sale or hire, or in respect of the repair or alteration, of gas fittings, meters, mains, pipes, or tubes, for the space of fourteen days after demand thereof by the Corporation, their agent or collector, it shall be lawful for any justice to issue his summons to such person requiring him to appear at a time and

Recovery of gas and meter rents by distress.

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Contents of
summons or
warrant.

39. Any summons, warrant, notice, demand, or other process issued for any of the purposes of this Act may contain in the body thereof, or in a schedule thereto, several names and several sums.

Recovery of
sums by
action.

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

Penalties
not to be
cumulative.

41. Penalties imposed on the Corporation for one and the same offence by several Acts of Parliament shall not be cumulative, and for such purpose this Act and the Acts incorporated herewith shall be deemed several Acts, and all penalties recoverable by virtue of this Act shall be paid to the treasurer of the borough, and shall be placed by him to the credit of the borough fund.

Defecation of
sewage.

42. The Corporation may, on any lands taken by them under this Act, from time to time take all steps which in their judgment are necessary or convenient for the intercepting, lifting, conveying, receiving, storing, defecating, disinfecting, deodorizing, distributing, and utilising 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, 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 may from time to time renew, alter, improve, cleanse, and repair all such works and apparatus.

Saving
rights of
parties in

43. Nothing in this Act contained shall prevent the Corporation from being liable at law or in equity in respect of any nuisance

which they may create by their works or other operations for or in the defecation, utilization, deposit, or removal of sewage or sewage matter, and the Corporation shall in respect of any such nuisance be subject in all respects to the same liabilities as they would have been if this Act had not been passed. A.D. 1871.

case of nuisance from defecating works.

44. The powers of the Corporation for compulsory purchase of lands under this Act shall not be exercised after the expiration of five years from the passing of this Act. Powers for compulsory purchases limited.

45. All grants and easements made 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 works of the Corporation shall remain valid and operative, notwithstanding that the sewage or sewage matter to be passed through or along such works 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 notwithstanding destination of sewage altered.

46. The Corporation may, upon such terms and conditions as may be fixed by agreement with the owners or occupiers of any lands contiguous to sewage works of the Corporation, supply to such owners or occupiers respectively sewage for the fertilisation of such lands. Provision as to supply of sewage to adjacent owners and others.

47. 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. Provisions as to supply of sewage to lands.

48. 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 for ascertaining quantity of sewage consumed by meter.

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Penalty for using sewage without agreement.

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

Extending application of certain sections of Act of 1868 to omnibuses and other vehicles.

50. From and after the passing of this Act, sections thirty-two, thirty-three, thirty-four, thirty-five, and thirty-six of "The Bradford Waterworks and Improvement Act, 1868," shall be extended so as to apply to the owners and drivers of omnibuses, and all other vehicles of whatever description publicly let or plying for hire within the borough, and the Corporation may fix the number of passengers which may be carried in omnibuses and other public vehicles, other than hackney carriages, at one and the same time, and the Corporation may, in the manner prescribed by the said Act for fixing stands for hackney carriages, regulate and determine the manner in which any such stand, and also any stand for omnibuses and other vehicles plying for hire, shall be supplied, and may fix pecuniary penalties for the breach of any such regulations, not exceeding forty shillings for each offence.

Confirming regulations in fourth schedule.

51. The regulations set forth in the fourth schedule to this Act shall have effect as if they had been set forth and enacted in the body of this Act, and penalties thereunder shall be recoverable and applicable in manner prescribed in the said schedule.

Power to provide parks.

52. The Corporation by agreement may acquire lands and hereditaments within and beyond the borough, and may appropriate the same, and also any other land now or hereafter to be vested in them for the purposes of parks or places of public resort or recreation, and may fence in and from time to time enlarge, improve, and maintain the same parks or places, and make approaches thereto, and construct and maintain or take down and remove such buildings, walls, and fences as they may think proper, and discontinue, divert, or stop up any footpath, road, or way over any lands forming part of any such park or place, and level, drain, sewer, pave, gravel, lay out, plant, and ornament the same, and make rides, drives, walks, gardens, shrubberies, lakes, ponds, and other ornamental works, and generally improve every such park or place, and do all such acts as may appear to the Corporation to be necessary for the better formation, improvement, maintenance, use, and enjoyment of

every such park and place; and the Corporation may charge all moneys which previously to the passing of this Act they may have expended in the purchase of land, which under this Act they devote to the purposes aforesaid, as moneys expended under the powers of this Act. A.D. 1871.

53. Every such park or place, and all buildings therein used for the enjoyment of the public, and every part thereof respectively, and the Corporation and all persons in respect of such park, place, or buildings, shall be wholly exempt from all municipal, parochial, or other local rates and assessments. Parks to be exempt from local taxation.

54. The Corporation from time to time may in manner prescribed by the Municipal Corporation Acts make, alter, or repeal byelaws for the suppression of nuisances within the borough by the deposit of offensive matter, or by noise, and also for all or any of the following purposes relating to any park or place of public resort or recreation to be hereafter acquired and formed under this Act, or relating to any park or public place of resort or recreation at present held by the Corporation or under their control; (namely,)

For the appointment of keepers or servants employed therein:

For specifying the duties and directing the conduct of such keepers and servants:

For regulating the days and hours on or during which the park or place is to be open or shut:

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

For preventing the holding of political or party meetings therein, or meetings for any purpose which the Corporation may deem improper:

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

For regulating the days on and hours during which bands of music or other music are or is to be permitted therein:

For regulating refreshment rooms therein, and the days on and hours during which they are to be opened or shut, and the nature and price of the articles and things to be sold therein:

For regulating or preventing the admission of dogs thereto:

For preventing males from intruding on or using grounds and places set apart for the use of females, and vice versâ:

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

For protecting from injury buildings, terraces, fountains, bridges, walks, seats, fences, and other parts of or things belonging to

A.D. 1871.

the park or place, and for preventing the destruction or injury of aquatic or other birds, animals, trees, plants, shrubs, or flowers, and the plucking of flowers and leaves therein :

For enabling the servants of the Corporation to exclude or remove therefrom persons guilty of a breach of any byelaw relative thereto, or of any public law :

And any person contravening any of the byelaws made with respect to such purposes shall, on conviction before two justices, for every such offence be liable to a penalty not exceeding forty shillings.

Corporation
may close
parks on
special
occasions.

55. The Corporation may from time to time, and on such occasions as they think fit, close any park or place of public resort or recreation under their control against the public, and may on such occasions admit to any such park or place the members of any society, or of any public or private institution, or persons being attendants at or supported by any public or private institution, or such other persons as the Corporation think fit; and the admission of every individual to any such park or place on such occasions may be either with or without payment, as directed by the Corporation.

Evidence of
byelaws.

56. The production of a printed copy of any of the byelaws from time to time made by the Corporation under this Act, and purporting to be signed by the town clerk of the borough, shall for all purposes be *primâ facie* evidence of the existence and of the proper making of such byelaws, without adducing any other proof.

Power to
borrow on
mortgage.

57. In addition to the moneys which the Corporation are already authorised by the recited Acts to borrow on mortgage, the Corporation may from time to time borrow on mortgage for the purposes of this Act relating to gas, on the security of the gasworks by this Act authorised to be purchased by the Corporation, and of the gas rates by this Act authorised to be levied and received, and of the borough fund and borough rate of the borough, any sums not exceeding in the whole two hundred and sixty thousand pounds, and the Corporation may from time to time borrow on mortgage for the other purposes of this Act, on the security of the borough fund and borough rate of the borough, any sums not exceeding one hundred and fifty thousand pounds, and such fund and rate shall be chargeable therewith respectively as fully and effectually as if the same had been referred to in any of the Municipal Corporation Acts: Provided always, that as regards all rates to be levied for all or any of the purposes of this Act the occupiers of any land used as a railway constructed under the powers of any Act of Parliament for public conveyance, and of any land used as arable, meadow, or

pasture ground only, or as woodlands, market gardens, or nursery grounds, and of any land covered with water, or used only as a canal or towing-path, and the owner of any tithes or tithe commutation rentcharge, shall be assessed to such rates in respect of the same in the proportion of one fourth part only of the net annual value thereof. A.D. 1871.

58. The several powers and provisions of the recited Acts now in force with respect to the borrowing of moneys at interest by the Corporation for the purposes of those Acts, or any of them, and the re-borrowing of moneys, and the securities to be given for moneys borrowed, and interest thereon, and the payment of such interest by coupons, and the granting of annuities, and the appointment of a receiver, shall extend and apply to the moneys borrowed under this Act, and the interest payable thereon, as if such moneys were part of the moneys by the recited Acts authorised to be borrowed by the Corporation; and the provisions contained in "The Bradford Waterworks and Improvement Act, 1868," as to providing a sinking fund with respect to moneys authorised to be borrowed under that Act for the purposes of waterworks, shall extend to the moneys authorised to be borrowed under this Act, as fully and effectually as if the borrowing of such last-mentioned money had been authorised by the said Act of 1868, the payments towards such sinking fund commencing from the first day of January one thousand eight hundred and seventy-two.

Provisions of recited Acts as to borrowing to apply to moneys borrowed under this Act.

59. All mortgages granted by the Corporation prior to the passing of this Act, and which shall be in force at the time of the passing of this Act, shall during the continuance thereof, and as to the rates or property comprised therein, have priority over all mortgages to be granted by virtue of this Act.

Existing mortgages to have priority.

60. Notwithstanding anything in any public Act or in any private Act relating to the Corporation, on the thirty-first day of December next after the passing of this Act, the books of the Corporation containing all the accounts of moneys levied, received, and expended by them under any authority whatever, for the year preceding the said thirty-first day of December, shall be balanced as at that date, and the said books of the Corporation shall be balanced on the thirty-first day of December in each subsequent year, and such annual balance shall be in lieu of any other balance of the said books now required to be made at any other time.

Fixing period for future balancing of Corporation books.

61. This Act or anything therein shall not take away, lessen, or prejudice any right or power which irrespective of this Act the

Saving rights of Corporation as to

[Ch. xciv.] *The Bradford Corporation Gas [34 & 35 VICT.]
and Improvement Act, 1871.*

A.D. 1871. Corporation from time to time may exercise with respect to the borrowing and re-borrowing. borrowing and re-borrowing. Corporation from time to time may exercise with respect to the borrowing and re-borrowing of moneys, and the paying off, redeeming, satisfying, or discharging at any time of any principal sum or annuity, being under the recited Acts and this Act, or any of them, a debt from the Corporation, or a charge on the borough rate or borough fund, or on any property of the Corporation, or any rates or rents of the Corporation.

Saving other powers of Corporation for selling corporate estates. **62.** This Act shall not take away, lessen, or prejudice any power of the Corporation, irrespective of this Act, with respect to selling, exchanging, mortgaging, leasing, or otherwise alienating or disposing of their corporate estates, or any part thereof, or of borrowing money.

Saving rights of Corporation. **63.** Except as by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, privileges, or authorities of the Corporation in their capacity either of a municipal corporation or of a local board of health.

Application of revenue. **64.** The Corporation shall apply all moneys from time to time received by them in respect of gas, except borrowed moneys, under the powers of this Act, as follows :

First. In payment of the costs, charges, and expenses of and incidental to the raising, levying, and recovering the rates or rents, and of the borrowing of moneys under this Act :

Secondly. In payment of the interest on all the moneys from time to time borrowed by the Corporation under the powers of this Act in respect of gas, and the annuity by the said agreement authorised to be paid to the said David Swallow :

Thirdly. In setting apart from time to time from and after the first day of January one thousand eight hundred and seventy-two the sums hereby directed to be applied as a sinking fund :

Fourthly. In payment of the expenses of managing and maintaining any gasworks of the Corporation, and carrying the several works and provisions of this Act in respect of gas into execution :

Fifthly. In improving and extending the gasworks and mains, and in payment of any charges or expenses for the time being payable out of the borough fund or borough rate of the said borough in respect thereof :

Sixthly. In any manner the Corporation may think best for the improvement of the borough and for the public benefit of the inhabitants.

65. The moneys borrowed under the authority of this Act shall be applied for the purposes for which the same were respectively borrowed, and for the alteration, improvement, extension, and enlargement of works, and for all such objects as capital moneys are properly applicable to, and for no other purposes. A.D. 1871.
Application
of money
borrowed.

66. All the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation hereto, shall be paid by the Corporation. Expenses of
Act.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

ACTS RELATING to the CORPORATION of BRADFORD.

Session and chapter.	Short title.
13 & 14 Vict. c. lxxix. -	The Bradford Improvement Act, 1850.
17 & 18 Vict. c. cxxiv. -	The Bradford Waterworks Act, 1854.
17 & 18 Vict. c. cxxix. -	The Bradford Corporation Waterworks Act, 1854.
18 & 19 Vict. c. clii. -	The Bradford Corporation Waterworks Amendment Act, 1855.
21 & 22 Vict. c. lxxvi. -	The Bradford Corporation Waterworks Act, 1858.
25 Vict. c. xviii. -	Bradford Waterworks Act, 1862.
29 & 30 Vict. c. ccxxii. -	Bradford Corporation Act, 1866.
31 & 32 Vict. c. cxl. -	The Bradford Waterworks and Improvement Act, 1868.
32 & 33 Vict. c. cxxxv. -	The Bradford Waterworks Act, 1869.

A.D. 1871.

THE SECOND SCHEDULE.

ARTICLES of AGREEMENT made the third day of January in the year of our Lord one thousand eight hundred and seventy-one, between the Bradford Gaslight Company, herein-after called "the Company," of the one part, and the mayor, aldermen, and burgesses of the borough of Bradford, herein-after called "the Corporation," of the other part.

Whereas the Company is engaged in supplying gas to the town of Bradford and the neighbourhood thereof under the provisions of an Act passed in the third year of the reign of His late Majesty King George the Fourth, intituled "An Act for lighting with gas the town of Bradford and the neighbourhood thereof within the parish of Bradford in the west riding of the county of York;" and of another Act passed in the eighth year of the reign of Her present Majesty Queen Victoria, intituled "An Act to alter the provisions of an Act for lighting with gas the town of Bradford and the neighbourhood thereof within the parish of Bradford in the west riding of the county of York:" And whereas the Corporation have given notice of their intention in the ensuing session of Parliament to apply for an Act enabling them to supply the said borough with gas, and to acquire compulsorily the undertaking of the Company, as also certain additional lands; and the Corporation have given similar notice for another Act to enable them among other things to purchase and hold the undertaking of the Company, and to enable the Company to sell to the Corporation such undertaking: And whereas it hath been agreed, subject to the sanction of Parliament being obtained, that the Company shall sell, and that the Corporation shall purchase, the undertaking of the Company upon the terms herein-after expressed: Now therefore these presents witness, that the Company hereby agree with the Corporation, and the Corporation hereby agree with the Company, as follows:

1. The Bill for compulsorily acquiring the undertaking of the Company shall not be proceeded with so far as relates to the Company, but may be proceeded with, if the Corporation think fit, as to other matters.

2. The Company, subject to the approval of Parliament, but not otherwise, shall under the Act secondly above mentioned sell, and the Corporation shall purchase, on or from the thirtieth day of June next, all the undertaking, gas-works, lands, buildings, retorts, mains, pipes, meters, machinery, apparatus, plant, implements of trade, stock in trade, fittings, coal, coke, stores, property, powers, rights, and privileges whatsoever of the Company, herein-after called "the purchased premises," including the balance of gas rents and cash at bankers after payment of dividend and remuneration of the committee, but subject to all the then liabilities of the Company, including the sum of ten thousand pounds and interest due from the Company on debentures, and including also the payment of an annuity of five hundred pounds per annum to Mr. David Swallow, the present manager of the Company, during his life (he having been in their service

for upwards of forty-seven years), such annuity to be paid to him by the Corporation by equal quarterly payments in each year, and to commence from the day on which he shall cease, either voluntarily or on any other account, to hold such office, either under the Company or the Corporation, with a proportionate part for the current quarter in which he shall die, to be paid by the Corporation to his executors or administrators, and subject also to all contracts and agreements which shall or may be then subsisting for the purchase of coal, cannel, machinery, and apparatus for the manufacture of gas, and for the sale of gas, ammoniacal liquor, and other products of gas, and free from mortgage debts and other charges and incumbrances of that sort; and the Company and the Corporation respectively shall perform all acts and execute all deeds necessary to carry out such sale and purchase, and for making the Corporation liable for the carrying out and adopting all such liabilities, contracts, and agreements.

3. The consideration for the purchase shall be the sum of two hundred and ten thousand pounds, and shall be paid by the Corporation on the thirtieth day of June one thousand eight hundred and seventy-one, on which day, the said purchase money being first duly paid, the purchase shall be completed by the execution of a proper deed of conveyance or other deeds, to be prepared by and at the expense of the Corporation, and possession of the purchased premises may be taken by the Corporation, and if from any cause other than the wilful default of the Company the purchase shall not be completed and the purchase money paid on that day, then the purchase money shall bear interest at the rate of five pounds per centum per annum from that day until the time of payment.

4. A printed or proof copy of the intended Bill shall be submitted to the Company for their approval within one week after the same shall be deposited, in order that any alterations which they may consider necessary may be inserted therein.

5. Until the said thirtieth day of June next the Company shall and will carry on their business as heretofore, and shall and will maintain and keep the undertaking in as good repair and condition as at present reasonable, wear and tear only excepted, and proceed with the making and completion of retorts, furnaces, and all other proper works, as if the undertaking were not intended to be sold.

6. Until the said thirtieth day of June next the Company shall and may make all such extensions of and additions to their works and plant as they in their discretion shall consider proper and sufficient for the due carrying on as heretofore and development of their business, and shall and may provide the funds for all expenditure on that behalf out of the assets of the Company, and may pay the committee of management the whole of their usual and annual remuneration of three hundred pounds for the year ending the thirtieth day of June one thousand eight hundred and seventy-one.

7. The Company shall keep proper and sufficient accounts and vouchers of all expenditure under the last preceding clause.

8. On the completion of the purchase the Company will deliver over the undertaking in good working order, with gas in the Company's holders equal in quantity to the ordinary proper and sufficient store of gas, and of at least as good quality as that now supplied by the Company, together with a supply of coal sufficient for carrying on the said works for one week.

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9. If from any cause whatever the Corporation shall not pay the said purchase money and take possession of the purchased premises on the thirtieth day of June next, the Company shall continue to carry on the business of the Company, and maintain the ordinary and sufficient store of gas in the Company's gasholders, of as good quality as the gas now supplied by the Company, and keep the usual and necessary supply of coal and other materials, and maintain the whole of the gasworks in as good and complete working condition as at present, damage by inevitable accident and reasonable wear and tear excepted, so that the supply of gas may not be in any way interrupted, but at the risk and for the benefit of the Corporation.

10. The Corporation shall be entitled to all gas rates or rents, debts, or other sums of money due to the Company, and all choses in action belonging to them on the thirtieth day of June next, or to become due or belong to them afterwards, and to the balance of all moneys then on hand or with the bankers or treasurers of the Company, after deducting therefrom and paying or providing for the payment thereof of the usual dividend to the shareholders for the half year ending thirtieth day of June next; and the payment of the costs of the distribution of the purchase and other moneys, and all other expenses which the Company may incur in winding up their concern, including all expenses incident to the preparation of these presents, the conducting of negotiations, and the passing of the said intended bill.

11. The Company shall so far as they can aid and assist the Corporation in obtaining the said Act, and the Corporation shall be at liberty to use the name of the Company, but at the cost and expense in all things of the Corporation in enforcing any debt or right due to or belonging to the Company, at or after the date of the transfer so intended to be made to the Corporation.

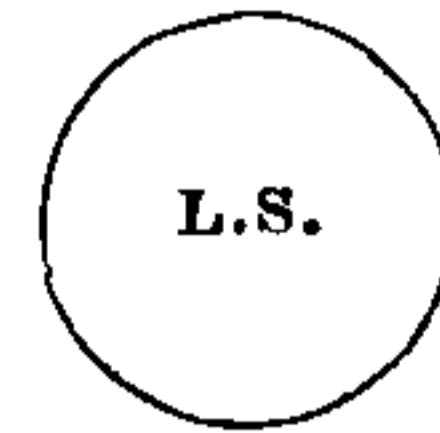
12. The Act shall contain clauses confirming this agreement and making the same binding on the Company and the Corporation, and such provisions as shall be proper and sufficient for carrying out this agreement, and for enabling the Company to divide the purchase and other moneys among the shareholders, and to wind up their affairs, and for the eventual dissolution of the Company; and the said Act shall also contain clauses to enable the Corporation to raise the purchase money on security of the borough fund and borough rate, and on the security of the works and property to be acquired, and of the gas rents to be received, and such other clauses as may be necessary or reasonably required.

13. In the event of the Company and the Corporation not being authorised by Parliament during the next session to perform and carry out this agreement, then the same shall be void and of no effect: Provided that if such session should be dissolved or prorogued before the said Bills are disposed of, the ensuing session at which the Bills can be dealt with shall be deemed to be the next session within the meaning of this condition.

14. If at any time any question shall arise between the Company and the Corporation as to the intent, construction, effect, or meaning of this agreement, every such question shall (unless it can be otherwise satisfactorily arranged and disposed of) be referred to and be determined by arbitration according to the provisions of "The Railways Companies Arbitration Act, 1859," as if the parties to these presents were two railway companies.

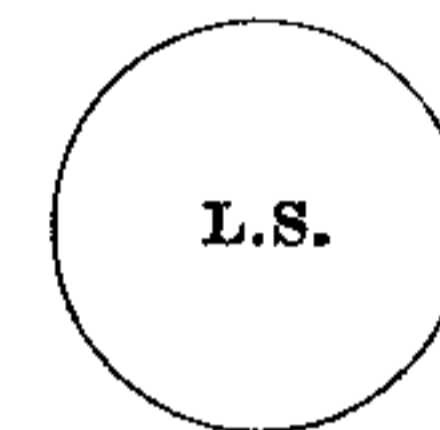
In witness whereof the said Company have hereunto caused their common seal to be affixed, and the Corporation have hereunto caused the corporate common seal of the said borough to be affixed, the day and year first above written. A.D. 1871.

The common seal of the Bradford Gaslight Company was hereunto affixed by Samuel Bower, gentleman, one of the committee of management of the same Company, in the presence of
RICHD. RIDEHALGH.



The corporate common seal of the borough of Bradford, and the signature of Mark Dawson, esquire, mayor of the said borough, were hereunto affixed in the presence of
W. THOS. CROFT,
Town Clerk's Office,
Bradford.

MARK DAWSON,
Mayor.



THE THIRD SCHEDULE.

LANDS FORMING THE SITE OF THE EXISTING GASWORKS OF THE COMPANY.

All that piece of land known as the Mill Street station, containing 11,390 square yards, including the portion set out for the improvement of streets, part of such land comprising 10,341 yards being held in fee, and the residue comprising 1,049 yards being leasehold for an unexpired term of 999 years commencing in 1825, situate at or near Mill Street, Leeming Street, North Brook Street, and North Holme Street, in the said borough.

All that piece of land known as the Thornton Road station, containing 15,988 square yards, including the portion set out for the improvement of streets, being held in fee, situate at or near Thornton Road and Lister Hills Road in the said borough.

All that piece of land known as the Valley Road station, containing 45,940 square yards, part of such land comprising 24,282 yards being held in fee, and the residue comprising 21,658 yards being leasehold for an unexpired term of 999 years created in 1868, situate in Valley Road in the said borough.

All that piece of land known as the Shearbridge station, containing 14,897 square yards, being held in fee, situate at or near Shearbridge in the said borough.

A.D. 1871.

THE FOURTH SCHEDULE.

BUILDING REGULATIONS TO BE OBSERVED WITHIN THE BOROUGH.

With respect to the level, width, and construction of new streets, and the provisions for the sewerage thereof.

Width of streets.

I. Every new street shall be laid out at least forty-two feet wide.

Provided always, that if any new street shall be proposed to be laid out of a length exceeding three hundred yards, or if in the opinion of the council any new street shall be likely at some future time to be extended so as to exceed the length of three hundred yards, the council shall be at liberty to fix the same of such greater width than forty-two feet as they may think necessary, not exceeding in the whole sixty feet.

The width of new streets shall be taken to mean the whole space exclusive of any steps or projections therein, and measuring at right angles to the course or direction of such streets.

Streets to be open upwards.

Every new street shall be open from the ground upwards. There shall be one entrance at least to every new street of the full width thereof.

Causeways of streets.

Every new street shall be provided with a causeway on each side thereof, and the width of such causeways shall be equal to one third of the entire width of the street, and the width of the carriageway of every new street shall be equal to two thirds of the entire width of the street, except in cases where the council shall determine otherwise.

Modification of width of streets in certain cases.

In any case in which an open space shall be left along one or both of the sides of any new street throughout its whole length in front of houses, or in which any new street cannot be laid out at the width above specified without considerable sacrifice of property, the council may allow of a reduction of the width specified as aforesaid; but in no case shall the width of any new street be less than thirty-six feet where the same is the principal or only approach to any dwelling-house or premises, nor less than twenty-four feet where the same is not the principal or only approach to any dwelling-house or premises, nor of any lesser width in the case of a back passage than the council shall approve.

Alteration of direction of streets.

II. The council may vary or alter the intended position or direction of any intended new street for the purpose of causing it to communicate in a direct line with any other street adjoining or leading thereto, or for the purpose of making the same communicate therewith at a more convenient level.

Level of streets.

III. Every new street shall be formed at such level as the council shall in each case determine.

Construction of streets, and sewerage thereof.

IV. The mode of construction of every new street and of the sewerage thereof shall be subject to the approval of the council.

With respect to the structure of walls of new buildings for securing stability and the prevention of fires.

Chimneys and flues.

V. The chimneys and flues of every building shall be constructed in such mode and of such dimensions as shall be approved by the council. All hearths

and slabs shall be properly bedded in incombustible materials. No timber or
woodwork shall be placed within four and a half inches of the inside face of any
chimney or flue. A.D. 1871.

*With respect to the sufficiency of the space about buildings to secure a free
circulation of air, and with respect to the ventilation of buildings.*

VI. Every building to be erected after the passing of this Act for the pur-
pose of being used as a dwelling-house shall, subject to the provisions herein-after
mentioned, have either entirely at the rear thereof or of some part thereof, or
entirely at the side thereof or of some part thereof, an open space adjoining and
exclusively belonging thereto, to the extent at least of one hundred and fifty
square feet for a one-storey building, free from any erection thereon above the
level of the ground, and exclusive of any ground used in common for two or
more dwelling-houses, and the distance across every part of so much of such
open space as is required to make up one hundred and fifty square feet between
every such dwelling-house and the building or property on the opposite side of
such open space shall not be less than ten feet. If such dwelling-house be two
storeys in height above the level of such open space, the area of such open space
to be left shall not be less than one hundred and eighty square feet, and the
distance across every part of so much of such open space as is required to make
up one hundred and eighty square feet shall not be less than twelve feet; and if
such dwelling-house be three or more storeys, such open space shall not be less
than two hundred and twenty-five square feet, and the distance across every
part of so much of such open space as is required to make up two hundred and
twenty-five square feet shall not be less than fifteen feet, and the area of open
space in each of such cases shall not be less than one fourth of the area of the
ground covered by the dwelling-house for which the same shall be left.

Space about
dwelling-
houses.

In determining, in the case of a dwelling-house of an irregular figure, whether
the requirement as to the width across the open space to be left be complied
with, such open space shall be considered to be at the rear or side respectively
of such dwelling-house, according as the rear or side, or some part of the rear or
side thereof, presents the greatest length of frontage to such open space.

Provided always, that the council shall be at liberty in such cases as they may
think fit to waive the requirements aforesaid as to the distance across every part
of the open space to be left at the rear or side of any dwelling-house, provided
that the area of the open space be in no case less than required as aforesaid.

Provided also, that where any premises are proposed to be erected in any
part of the borough partly for the purposes of a dwelling-house and partly for
the purposes of business premises, it shall be lawful for the council to allow of
the open space required by these byelaws for a dwelling-house to be provided
on part of such premises above the first storey from the street line, such storey
not exceeding sixteen feet in height measured from the level of the street.

Provided also, that as to buildings situate within the distance of a quarter of
a mile from the site of the present principal entrance to the Exchange, and used
for the business of a banker, or jeweller, or hotel keeper, or for any retail
business, and where the open space herein-before prescribed cannot be obtained
without considerable sacrifice of property, the council shall be at liberty to
waive or modify the requirement as to open space as they may think fit.

[Ch. xciv.] *The Bradford Corporation Gas [34 & 35 VICT.]
and Improvement Act, 1871.*

A.D. 1871.
Back-to-back
dwelling-
houses.

Provided also, that as to land which was laid out in streets previously to the twentieth day of October one thousand eight hundred and sixty, the council shall be at liberty to authorise the erection of back-to-back dwelling-houses under and subject to the following conditions, such dwelling-houses to be, nevertheless, erected and completed within the period of seven years from the fourteenth day of September one thousand eight hundred and sixty-six :

1st. With reference to streets which are made and partly built upon :

That not more than four houses (two to front the street and two at the back thereof) shall be built to use one yard.

That between every such two pairs of houses there shall be a passage from front to back not less than the height of one storey and not less than six feet six inches wide, leading from the street to the yard, but the council shall be at liberty to allow of two back-to-back houses being built to use one yard; provided that a passage from the street to the yard be formed of the same height and width as is required for four houses as aforesaid, and on condition that the area of the yard for such two houses be proportionate to that required for four houses, in addition to the width of such passage. The council shall also be at liberty to waive the requirement as to intervening passage so far as relates to any two back-to-back houses forming a corner block abutting upon two streets; the area of the yard in this case to be proportionate to that required for four houses.

That in every such yard there shall be at least one ashpit, and for each house one privy.

That every such yard shall be surrounded or enclosed with a wall at least four feet high.

That every such yard shall be co-extensive with the houses for which it is intended, and shall be at least twelve feet across in every part clear of any erection subject to the modification herein-after mentioned; that is to say,

Wherever from the shape of the land the foregoing regulations cannot be complied with, the council may allow of houses or yards being of irregular form, provided that the open space be not in any case of less area than would otherwise be required.

That in each house provision be made for ventilation by means of an additional door or window opening into the passage to the satisfaction of the council.

That in streets laid out for houses to be built with the open space in front, and the privy and ashpit adjoining the street, houses of that kind be allowed to be built on the unoccupied land in such streets.

2nd. With reference to all other streets in which the sewer has been made or the edging fixed, or in connexion with which it shall be proved to the satisfaction of the town clerk and surveyor that the owner is bound by some covenant or agreement entered into before the said twentieth day of October one thousand eight hundred and sixty, to make such streets according to the plan approved by the council :

That in these cases the council shall be at liberty to authorise the same modifications and alterations of the aforesaid requirements respecting back-to-back houses as are stated above for the streets firstly named.

3rd. With reference to streets in which nothing has been done since the passing of the plans : A.D. 1871.

That in all these cases the land shall be dealt with as other land for which no plans have been submitted, and that the owners be not required to conform to the plans already deposited, but be at liberty to submit other plans for laying out the land in such way as they may think proper, subject nevertheless to the approval of the council.

Provided also, that as to land laid out since the said twentieth day of October one thousand eight hundred and sixty, or hereafter to be laid out, the council shall be at liberty to authorise the erection of back-to-back dwelling-houses, under and subject to the following conditions :

That the space required to be appropriated to each house may be left in front thereof, provided that the distance from the building line to the street co-extensive therewith be not less than twenty-one feet. That no privy or ashpit and privy shall be brought nearer than ten feet to any door or window of a house or nearer the street than six feet, but a watercloset may be brought up to the street.

That back-to-back houses may be erected subject to the same regulations as herein-before mentioned in reference to back-to-back houses on land laid out previously to the said twentieth day of October one thousand eight hundred and sixty, except that the aggregate amount of open space free from any erection thereon to be left for every four houses (where two front the street and two are at the rear thereof), shall not be less than six hundred feet for a one-storey building, seven hundred and twenty feet for a two-storey building, and nine hundred feet for houses of three or more storeys. The aggregate amount of open space free from any erection thereon to be left for every two houses (where one fronts the street and the other is at the rear thereof) shall be proportionate to that required for four back-to-back houses as last aforesaid, in addition to the width of the passage, where such two houses do not form a corner block abutting upon two streets; and as to such last-mentioned houses, the area of the yard shall be proportionate to that required for four back-to-back houses. In all such cases there shall be a privy to each house, subject to existing regulations as to the distance from the house at which such privy shall be placed.

VII. Wherever in accordance with the provisions of this Act any open space has been left belonging to any building for the erection of which the sanction of the council has been obtained, such space shall never afterwards, without the approval of the council, be built upon in such manner as to reduce the area of open space below that herein-before required. Space not to be built upon.

VIII. In any building to be erected every habitable room, except rooms in the roof, shall be in every part eight feet in height at the least from the floor to the ceiling, and every habitable room in the roof of any such building shall be at the least eight feet in height from the floor to the highest part of the ceiling. Height of rooms.

IX. Every habitable room hereafter built shall have at least one window, one half of which shall be made to open to the full extent, and if such room be of less area than one hundred superficial feet, and without a fireplace, shall be Special ventilation of small rooms.

[Ch. xciv.] *The Bradford Corporation Gas [34 & 35 VICT.]
and Improvement Act, 1871.*

A.D. 1871. provided with special means of ventilation by air shaft or otherwise as the council may approve.

Ventilation of public buildings.

Height of buildings in new streets.

X. Every new public building shall be supplied with means of ventilation to be approved by the council.

XI. No dwelling-house shall, without the approval of the Corporation, be erected on the side of any new street which shall exceed in height the distance from the front of such dwelling-house to the opposite side of such street, nor shall the height of any dwelling-house so erected be at any time subsequently increased so as to exceed such distance.

In estimating the height of dwelling-houses the measurement shall be taken from the level of the centre of the street immediately opposite the building up to the parapet or eaves of the roof.

With respect to the drainage of buildings to waterclosets, privies, ashpits, and cesspools, in connexion with buildings and to the closing of buildings or parts of buildings unfit for human habitation, and to the prohibition of their use for such habitation.

Approval of mode of drainage.

XII. All houses and buildings which in the opinion of the council are without sufficient drainage shall be drained in the most effectual manner which may be practicable, and the mode of drainage shall be subject to the approval of the council.

Construction of house drainage.

XIII. The drains of all houses and buildings shall consist of glazed stoneware or fireclay pipes, or other equally suitable material, and shall be connected with the sewers in such manner as the surveyor shall direct. Beneath houses they shall be embedded in and surrounded with well-puddled clay. No right-angle junctions, whether vertical or horizontal, shall be formed.

Ventilation of house drainage.

XIV. Proper ventilation shall be provided in the drainage of every house by means of the rain-water pipe, by special pipe or shaft, or by such other method as shall be approved by the council. All other inlets to the house drains shall be properly trapped.

Drainage of subsoil and prevention of damp.

XV. The house drainage shall be so constructed, either with additional earthenware pipe drains, or otherwise, as to drain the subsoil of the premises whenever the dampness of the site appears to the council to render this necessary, and all rain water shall be so drained or conveyed from the roofs of buildings as to prevent its dripping on to the ground and causing dampness in the walls.

Waterclosets and privies.

XVI. The situation, dimensions, and construction of every watercloset or privy, and of every ashpit, shall be subject to the approval of the council.

Ventilation of waterclosets and privies.

Every watercloset or privy shall have an opening as near to the top as practicable, communicating directly with the external air, or shall be otherwise furnished with sufficient means of ventilation.

Cesspools.

XVII. No cesspool shall be allowed except when unavoidable, when it shall be constructed in such situation and in such manner as the council shall approve. It shall in every case be made water-tight. It shall be arched or covered over, and a pipe or shaft for ventilation shall be carried up from it, or from the drain communicating with it from the watercloset or privy, if required by the council.

Buildings unfit for human habitation.

XVIII. In any case where it is certified to the council by the officer of health of the district (if any), or by either the surveyor or the inspector of

nuisances, or any two medical practitioners, that any building or part of a building is unfit for human habitation, the council may by their order affixed conspicuously on the building or part of the building declare that the same is not fit for human habitation, and the same shall not after a date therein to be specified be inhabited; and any person who after the date or time mentioned in such order lets or occupies, or continues to let or occupy, or knowingly suffers to be occupied, such building or part of a building, shall be liable for every such offence to a penalty not exceeding twenty shillings for every day during which the same is so let or occupied: Provided always, that if at any time after such order made the council shall be satisfied that such house has become or been rendered fit for human habitation, they may revoke their said order, and the same shall thenceforward cease to operate: Provided also, that in the case of any building belonging to a railway company such notice shall be in writing, and shall be delivered or sent by post addressed to the secretary of the railway company at their principal office or place of business.

A.D. 1871.

As to the giving of notices, as to the deposit of plans and sections by persons intending to lay out streets or construct buildings, as to inspection by the Local Board, and as to the power of the Local Board to remove, alter, or pull down any work begun or done in contravention of such byelaws.

XIX. Every person who shall intend to make or lay out any new street, whether the same shall be intended to be used as a public way or not, shall give one month's notice to the council of such intention by writing delivered to the surveyor, or left at his office, and shall at the same time leave or cause to be left at the said office a plan of such intended new street drawn on an accurate scale of ten yards to an inch, and also a section drawn on an accurate scale of ten yards to an inch horizontally, and ten feet to an inch vertically, and every such plan shall show thereon the name of the owner of the land through or over which such street shall be intended to pass, the width, direction, the proposed mode of construction, the proposed name of such intended new street, and its position relatively to the streets adjoining or leading thereto, the depth and inclination, form, size, and other particulars of the sewers and their appurtenances, and shall contain the name and address of the person intending to lay out such new street, and be signed by him or his duly authorised agent.

Notices, plans, &c. of new streets.

Every such section shall show thereon the level of the present surface of the ground above some known fixed datum, the level and rate or rates of inclination of the intended new street, the level and inclinations of the streets with which it will be connected, and the depths and levels of the sewers.

XX. Every person who shall intend to erect any new building shall give a fortnight's notice to the council of such intention by writing, delivered to the surveyor or left at his office, and shall at the same time leave or cause to be left at the said office plans and sections of every floor of such intended new building drawn to a scale of one inch to every eight feet, showing the position, form, and dimensions of the several parts of such building, and of the watercloset, privy, cesspool, ashpit, well, and all other appurtenances, and such plans and sections shall be accompanied by a description of the intended mode of drainage and means of ventilation of drains, and the materials of which the drains are to be

Notices, plans, &c. of new buildings.

[Ch. xciv.] *The Bradford Corporation Gas [34 & 35 VICT.]
and Improvement Act, 1871.*

A.D. 1871. made, also of the mode of construction and dimensions of the chimneys and flues,
and means of water supply.

A plan shall be left at the same time showing the position of the buildings and appurtenances of the properties immediately surrounding the buildings proposed to be erected, the width and level of the street upon which the said buildings or the premises appurtenant thereto are intended to abut the level of the lowest floor of the intended building, and of the yard or ground belonging thereto. The plan shall also show the proposed lines of house drainage, and their size, depth, and inclination.

Provided always, that the foregoing regulations shall not apply to any building belonging to or occupied by a railway company, and exclusively used or intended to be used for the purpose of their business as a railway company, and other than a dwelling-house, except with respect to the length and construction of chimneys, and the drains and other sanitary details of such buildings, and the lines of such buildings where the same adjoin or abut upon a street or court, or where any such buildings may interfere with any watercourse, or with any sewers, pipes, or other works or property of the Corporation.

Inspection of works by surveyor.

XXI. The surveyor shall inspect any works or buildings in progress of construction at any reasonable time that he may think fit, or that he may be required to do so by the council, but the person laying out the work or the builder shall give two days notice in writing to the surveyor before the commencement of such work, and before any foundations of new buildings or any sewers or drains are covered up, and the like notice shall be given after the works have been completed which may have been required by the surveyor to be done in amendment of any irregularity, and before such works shall be covered up.

Notice by surveyor in case of irregularity.

XXII. If in doing any work or erecting any building anything is done contrary to these regulations, or anything required by these regulations is omitted to be done, the surveyor shall within six hours after the survey or inspection at which such act or omission shall have been detected by him, give to the builder or person engaged in erecting such building, or in doing such work, notice in writing requiring such builder or person within forty-eight hours from the service of such notice to proceed to cause anything done contrary to such regulations to be amended, or to do anything required to be done by such regulations, but which has been omitted to be done.

Notice of completion of works and buildings.

XXIII. Within one month after any work or building has been completed the owner shall give notice to the surveyor thereof, and the surveyor shall forthwith proceed to survey such building or work and shall report to the council thereon.

Limitation of time for disapproval.

XXIV. The council shall approve or disapprove of the proposed new street or new building mentioned in the 19th and 20th of these regulations within the month or fortnight therein specified for giving the notices therein mentioned.

Penalties for not giving notices, &c.

XXV. If any person begin to make or lay out any new street or to erect any new building without giving the notices mentioned in the 19th and 20th of these regulations, or before the expiration of the said period of one month or fourteen days, as the case may be, or if any person shall begin to make or lay

out or proceed with the making or laying out of any new street, or begin or proceed with the erection of any new building which has been disapproved of by the council, or if after the council have approved of any new street or new building any person shall make any alteration in the whole or in any part of any such new street or new building which the council have so approved, or shall in any respect make or begin to make or proceed with the making of such street or any part thereof, or erect or begin to erect any building or any part thereof, or proceed with the same contrary to the plan as approved by the council without the further approval by the council of such alteration first had and obtained, or shall lay out, make, or build upon any street otherwise than in accordance with the level and width, form and direction thereof, fixed by the council, or if any person shall do any act or omit to do any act or fail to comply with any requirement of the council or their surveyor, acting respectively under the authority of the foregoing regulations, or of any of them, he shall for each offence be liable to a penalty not exceeding the sum of five pounds.

XXVI. If any offence mentioned in the last preceding regulation numbered twenty-five shall continue, the offender shall be liable to a further penalty not exceeding the sum of forty shillings for each day during which such offence shall continue after date of conviction, and the council shall be at liberty to treat every continuance of any offence mentioned in the above twenty-fifth regulation as a fresh offence, and it shall be lawful for the council to proceed in respect thereof as if the same were a fresh offence, whether or not there shall have been any previous conviction.

Recurring offence.

XXVII. If any workman, labourer, servant, or other person employed in or about any new works wilfully, and without the privity or consent of the owner or person causing such work to be done, does anything in or about such works contrary to the provisions herein contained, he shall for each such offence incur a penalty not exceeding fifty shillings. All penalties recoverable in respect of offences under the above regulations shall be paid to the treasurer of the said borough, and be placed to the credit of the general district rate.

Penalty on workmen, &c.

XXVIII. The expression "the council" in the foregoing regulations shall mean the council of the borough of Bradford acting in execution of "The Bradford Improvement Act, 1850," as the local board of health under "The Public Health Act, 1848," therewith incorporated, and also under "The Local Government Act, 1858," and shall also mean the building and improvement committee for the time being appointed by the said council. The expression "the surveyor" shall mean the surveyor of the said council so acting for the time being appointed by them for the purposes of the said Acts or any of them. And the words "town clerk" shall mean the town clerk for the time being of the said borough.

Interpretation of words.

The word "street" in the foregoing regulations shall apply to and include any highway, and any road, public bridge (not being a county bridge), lane, footway, square, court, alley, passage, whether a thoroughfare or not, and the parts of any such highway, road, bridge, lane, footway, square, court, alley, or passage within the limits of the said borough; and the words "new street" shall mean a street for the first time laid out.

The word "dwelling-house" shall include any building which is intended to be used wholly or in part as a dwelling-house.

[Ch. xciv.] *The Bradford Corporation Gas* [34 & 35 VICT.]
and Improvement Act, 1871.

A.D. 1871. The word "storey" in the foregoing regulations shall not apply to or include any attics in the roof or any cellar basement. Words in the foregoing regulations importing the masculine gender shall be deemed and taken to include females, and the singular to include the plural, and the plural the singular, unless the contrary as to gender or number is expressly provided; and the word "month" to mean calendar month.

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