



CHAPTER cxciv.

An Act for defining and extending the powers of the Corporation of Nottingham in relation to the Management of Streets in the Borough, and to Sewerage, and to Markets and Fairs, and to Police, and other matters of Local Government ; and for other purposes. [7th August 1874.] A.D. 1874.

WHEREAS the borough of Nottingham (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 also a county of itself and has a separate court of quarter sessions :

And whereas the Corporation by the council are the sanitary authority for the district of the borough, with the powers and obligations of an urban sanitary authority :

And whereas it is expedient that the powers of the Corporation in their municipal capacity and as a sanitary authority be in various respects extended, and that better provision be made for the regulation of streets in the borough and for the control of new buildings, and respecting sewers and sanitary arrangements, and for the regulation of the markets and fairs in the borough, of which and of the right to hold which the Corporation are or claim to be the owners, and respecting police and other matters, and generally for the execution of the powers and discharge of the duties of the Corporation in their municipal and sanitary capacities :

And whereas it is expedient that further borrowing powers be conferred on the Corporation, and that better provision be made respecting the mode of borrowing by them :

And whereas there are wholly or partly in force with reference to the borough or parts thereof the Acts described in the first schedule to this Act and the Nottingham Improvement Act, 1867 :

And whereas it is expedient that the first two Acts in that schedule described be repealed, and that the powers of the town lighting

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Act, 1874.

A.D. 1874. committee constituted by the second of those Acts (being a committee consisting of the watch committee of the council and twenty-one ratepayers of the borough), with the property of the committee, but subject to their debts and liabilities, be transferred to and vested in the Corporation :

And whereas it is expedient that the third Act in the same schedule described (in this Act referred to as the Nottingham Inclosure Act, 1845,) be to a large extent repealed, and that the residue thereof and the Nottingham Improvement Act, 1867, be in divers respects amended :

And whereas the castle of Nottingham and the grounds thereof immediately adjoin to the borough, and it would be of great local advantage if the same or a part thereof with approaches thereto were vested in the Corporation on lease for a long term of years, to the end that the Corporation might lay out and use the part thereof so vested in them as a park or place of recreation, with a museum or place of exhibition, or for like purposes, and the castle and grounds aforesaid form part of a settled estate without there being any power of granting such a lease as aforesaid of any part of that settled estate, the limitations of which settled estate and the persons interested therein, as far as the same are material for the purposes of this Act, appear in the following statements ; (that is to say,)

- (1.) By an indenture dated the seventeenth day of June one thousand eight hundred and fifty-six, and made between Henry Pelham then Duke of Newcastle, since deceased (in this Act referred to as the late Duke of Newcastle), of the first part, Henry Pelham Alexander Pelham, now Duke of Newcastle (in this Act referred to as the present Duke of Newcastle), of the second part, Robert Renebald Pelham Clinton and Sir Cornwallis Ricketts, Baronet, of the third part, and Sydney Herbert, afterwards Lord Herbert of Lea, since deceased, and William Ewart Gladstone, of the fourth part, certain hereditaments, not including the castle and grounds aforesaid, were (subject to certain charges and powers of leasing, exchange, and partition) appointed to such uses as the late and present Dukes of Newcastle should jointly appoint (which power of joint appointment was never exercised), and in default of such appointment, to certain uses, which have determined by the death of the late Duke of Newcastle, and from and after his decease to the use of the persons, parties thereto, of the fourth part, for a long term of years on trusts relating to timber, and subject thereto to the use of

the present Duke of Newcastle and his assigns for his life, with remainder to the use of his first and other sons successively in tail male according to their respective seniorities, with remainder successively to the use of the three younger sons of the late Duke of Newcastle then living for life, with remainder to the use of the survivor of the late Duke of Newcastle and the present Duke of Newcastle, their heirs and assigns for ever : A.D. 1874.

(2.) The late Duke of Newcastle duly made and executed his last will, dated the twenty-first day of July one thousand eight hundred and fifty-six, and six codicils thereto, of which the first and fifth only are material to the purposes of this Act :

(3.) The late Duke of Newcastle, by his first codicil, dated the seventeenth day of January one thousand eight hundred and fifty-nine, devised all his real estate to the use of the said Robert Renebald Pelham Clinton and Sir Cornwallis Ricketts, their executors, administrators, and assigns, for a long term of years on trust for raising money in manner and for purposes therein mentioned, and subject thereto to the use of the said Lord Herbert of Lea and William Ewart Gladstone, their executors, administrators, and assigns, during the life of the present Duke of Newcastle on the trusts therein-after declared ; and after the decease of the present Duke of Newcastle, to uses on and for the trusts, intents, and purposes, and with, under, and subject to the powers, provisoes, agreements, and declarations expressed and contained in said indenture of the seventeenth day of June one thousand eight hundred and fifty-six of and concerning the freehold hereditaments thereby settled ; and he declared that the trustees should enter into possession and receipt of the rents and profits of the hereditaments thereby devised, and should, during the life of the present Duke of Newcastle, continue such possession or receipt and manage the hereditaments as therein mentioned, and by and out of the rents and profits pay expenses and outgoings and keep down any annual sum and the interest of any principal sum charged, and pay certain annuities (afterwards revoked), and invest the residue as therein mentioned, and stand possessed thereof, and of the original and accumulated securities, and of the annual income thereof on trusts for conversion and for application of the money arising thereby in or towards discharge of principal money affecting the hereditaments, and stand

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possessed of the residue in trust for the present Duke of Newcastle absolutely; and he declared that if all the principal money charged on those hereditaments should be paid during the life of the present Duke of Newcastle, then and thenceforth the rents and profits of the hereditaments should, during the remainder of the life of the present Duke of Newcastle, be paid to him for his absolute use :

- (4.) The late Duke of Newcastle, by his fifth codicil, dated the first day of April one thousand eight hundred and sixty-four, appointed George Warren, Baron de Tabley, to be trustee of his will and codicils in the place of Sidney Lord Herbert of Lea, then deceased :
- (5.) The late Duke of Newcastle died on the eighteenth day of October one thousand eight hundred and sixty-four, without having revoked or altered the disposition made by his said first codicil as herein appearing, and entitled to the castle and grounds aforesaid for an estate of fee simple, and his said will and codicils were proved in the principal registry of Her Majesty's Court of Probate on the sixteenth day of January one thousand eight hundred and sixty-five :
- (6.) By an indenture dated the twenty-ninth day of May one thousand eight hundred and sixty-nine, in consideration of a sum of money paid by Anne Adele Hope, widow, as therein mentioned, the present Duke of Newcastle assigned all his right and interest in the hereditaments devised by the said first codicil to the will of the said late Duke of Newcastle (which hereditaments included the castle and grounds aforesaid) to the said Anne Adele Hope, for her own use and benefit :
- (7.) The present Duke of Newcastle has issue by his marriage with Adele Henrietta Hope, two sons and no more, (namely,) Henry Pelham Archibald Douglas Pelham Clinton (commonly and in this Act called Henry Pelham Earl of Lincoln) and Henry Francis Hope Pelham Clinton, each of whom is an infant under the age of twenty-one years :

And it is expedient that the trustees for the time being under the codicils of the late Duke of Newcastle be empowered to grant to the Corporation a lease of the castle and grounds aforesaid, or part thereof, with approaches thereto, and in the circumstances herein appearing the consent to this Act, as far as the same relates to the granting of such a lease, of the said Anne Adele Hope and of the

said Henry Pelham Earl of Lincoln, and of the said William Ewart Gladstone, and Baron de Tabley is sufficient on behalf of all persons now or hereafter to be interested therein, and accordingly the consents to this Act of all those persons other than the said Anne Adele Hope, and the said Henry Pelham Earl of Lincoln, and William Ewart Gladstone, and Baron de Tabley have been dispensed with : A.D. 1874.

And whereas an absolute majority of the whole number of the council at a meeting held on the twelfth day of November one thousand eight hundred and seventy-three, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Nottingham and Midland Counties Daily Express, a local newspaper published or circulating in the borough, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate :

And whereas such resolution was published twice in the said Nottingham and Midland Counties Daily Express and has received the approval of the Local Government Board :

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

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Local Government Act, 1858, for the adoption of that Act consented to the promotion of the Bill for this Act :

And whereas the objects 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,)

I.—PRELIMINARY.

1. This Act may be cited as the Nottingham Improvement Act, Short title. 1874.

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

A.D. 1874.

Interpreta-
tion for pur-
poses of this
Act and of
sanitary and
other Acts.

3. In this Act—

The terms “the mayor,” “the council,” “the town clerk,” “the treasurer,” “the officer of health,” “the engineer,” “the borough fund,” “the borough rate,” “the district fund account,” and “the general district rate,” mean respectively the mayor, the council, the town clerk, the treasurer, the officer of health, and the engineer for the time being of the borough, the borough fund and borough rate of the borough, and the district fund account, and general district rate for the district of the borough;

The term “inspector of nuisances” includes smoke inspector and officer of health;

The term “inspector of weights and measures” means the inspector of weights and measures for the borough, and includes any person duly appointed to inspect weights and measures in the borough;

The term “engineer” includes any assistant engineer or surveyor appointed or approved by the Corporation;

The term “the Municipal Corporations 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 term “the Sanitary Acts” has the same meaning as in the Public Health Act, 1872;

The terms “person,” “premises,” “owner,” “rackrent” “justices,” “two justices,” “court of quarter sessions,” “street,” “drain,” and “sewer,” respectively have the same meanings as in the Sanitary Acts;

The term “sheriff” means the sheriff of the town and county of the town of Nottingham and his deputy;

The term “court” means the whole or any part of any court, alley, entry, passage, yard, way, or place, not being a thoroughfare made before or after the commencement of this Act, and used with or appurtenant to two or more dwelling-houses;

The term “building” includes watercloset, earth-closet, tub-closet, or other place for the reception of foecal matter, and urinal or place used as an urinal;

The term “ashpit” includes any deposit of or receptacle for ashes, dust, dirt, rubbish, soil, refuse, nightsoil, dung, litter, sewage, or animal or vegetable matter or filth;

The term "cart" includes any vehicle made or used for the conveyance of goods, commodities, or chattels in a street, whether drawn by animal power or otherwise; A.D. 1874.

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

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

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

The term "driver" means the driver, conductor, or carter of a carriage or cart, or of an animal;

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

4. From and after the commencement of this Act, but subject to the provisions of this Act, the enactments described in the first schedule to this Act shall be repealed. Repeal of enactments in schedule.

II.—BOROUGH, CORPORATION, OFFICERS.

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

6. The powers and authorities conferred on the local board for the district of the borough of Nottingham by the Nottingham Improvement Act, 1867, are hereby transferred to and vested in the Corporation. Transfer of powers under Improvement Act of 1867.

7. This Act shall be carried into execution by the Corporation, acting by the council and according to the Sanitary Acts and other laws for the time being affecting the Corporation, and with all the rights, powers, privileges, and authorities conferred by those Acts and laws on the Corporation, and on the council and committees of the council, and the officers, agents, and servants of the Corporation with respect to matters provided for by or comprised in the Sanitary Acts, and as nearly as may be in all respects as if the powers, duties, and property vested in, imposed on, or enjoyed by the Corporation by or under this Act were vested in, imposed on, or enjoyed by them by or under the Sanitary Acts. Act to be executed by council.

8. The council may appoint out of their own body any committee for the execution of any of the purposes of this Act or of the Sanitary Regulation as to com-

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mittees of
council.

Acts, and may delegate to each such committee such of the powers and duties of the Corporation under this Act or as a sanitary authority as the council think fit, and the acts and proceedings of every such committee within the limits of their delegation shall be deemed the acts and proceedings of the council, and the quorum of any committee in this section provided for 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 a committee, and the council may from time to time remove any members of a committee and appoint in the stead of them, or any of them, other members of the council, and a committee may appoint any of its members to be a sub-committee to execute and discharge any of the powers and duties of the committee, but the acts of a sub-committee shall, unless the council on the appointment of the committee otherwise direct, be submitted for approval to the committee by which such sub-committee was appointed: Provided that the powers of this section shall not be exercised by any committee consisting of less than twelve members of the council or by any sub-committee consisting of less than six such members.

Costs of execution of Act.

9. All costs, charges, and expenses from time to time incurred by the Corporation in or about the execution of this Act shall be a charge on the borough fund or borough rate, or the general district rate or district fund account, at the discretion of the Corporation.

Payment of coroner by salary.

10. The Corporation may, if they think fit, remunerate the coroner by salary instead of by fees and allowances, and in that case may pay the salaries and expenses of clerks, and an office and all other disbursements requisite for the purpose of the duties of the coroner, but as regards the coroner in office at the commencement of this Act this section shall operate only by agreement with him.

Transfer of and power to appoint officers and servants.

11. All the officers and servants in office at the commencement of this Act and employed in the execution of any Act which this Act repeals, shall become officers and servants of the Corporation, according to the nature and tenure of their appointments and employments respectively, and the Corporation may from time to time appoint such officers and servants for the execution of this Act, and take such security for the performance of their duties as the Corporation think proper, (including, if the Corporation think fit, in lieu of or in addition to any other security, the security of any guarantee society established by charter or Act of Parliament, with power to the Corporation, if they think fit, to pay any premium or other money requisite for keeping up any such security,) and the Corporation may from time to time, subject to the nature and tenure

of their respective appointments and employments, remove or suspend any of them, as the Corporation see occasion, and the Corporation may from time to time employ any public accountant or other competent person to assist them in the execution in any respect of this Act, and the Corporation may from time to time pay and make such salaries, wages, and other allowances to their officers and servants, and to any person assisting the Corporation in the execution of this Act, as the Corporation deem reasonable, and, mutatis mutandis, all those officers and servants and persons shall be accountable to the Corporation, and the Corporation shall have the like remedies against them in relation to accounts, vouchers, bills, payments, books, papers, and writings as if they had been appointed by virtue and for the purposes of the Municipal Corporations Acts.

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12. The provisions of the Municipal Corporations Acts relative to the keeping of accounts, and to the accounts kept of sums of money received and paid under those Acts, and to the auditing thereof, shall extend and apply to the keeping of accounts, and to the accounts kept of sums of money received and paid under this Act, and to the auditing thereof.

Accounts of receipts, &c.

13. If any person destroys, pulls down, injures, or defaces any placard or notice, or any burgess list or list of voters or of claims or objections issued and put up by or under the direction of the Corporation or of the town clerk, or any board provided by the Corporation on which any byelaw or part of a byelaw of the Corporation is painted or placed, he shall be liable to a penalty not exceeding five pounds.

Penalty on pulling down noticeboards.

14. Any instrument (including a notice, order, resolution, declaration, requisition, consent, approval, disapproval, demand, or other document) made, given, delivered, or served by the Corporation under this or any other Act or any byelaw may be either in print or in writing (including lithograph), or partly in print and partly in writing (including lithograph), and shall be sufficiently authenticated by the name of the town clerk or of the engineer or other proper officer (according to the subject of the particular instrument) being affixed thereto in print or writing or by a stamp on behalf of the Corporation, and it shall be sufficient in all cases, except where by this Act otherwise expressly provided, where any such instrument is required to be given to or served on the owner or occupier of any property, to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which it is given or served, without further name or description, and any such instrument may

Form and service, &c. of notices by Corporation.

A.D. 1874. — be addressed to owners or occupiers of any number of adjoining or neighbouring houses or buildings collectively, and when so addressed may be served on more owners or occupiers than one (so that separate copies be served on the respective owners and occupiers of the several houses or buildings concerned), and any such instrument may be served on any owner, occupier, or other person, either personally or by sending the same through the post in a registered letter, addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate at his last known or usual place of abode or business, or in case of an occupier to any inmate of the building in respect of which it is given or served, or if the building is unoccupied, and the place of abode of the person to be served is after diligent inquiry unknown, it shall be sufficient to affix it, or a copy thereof, upon some conspicuous part of such building.

Service of notice on Corporation.

15. Any notice to or demand on the Corporation under this Act may be served on the Corporation by being delivered to the town clerk, or by being sent through the post in a registered letter directed to the town clerk, in which latter case service shall be deemed to be effected on the Corporation on the day on which such letter would be delivered in the ordinary course of post.

Hours for notices, &c.

16. Where by this Act or any byelaw thereunder it is required that any notice, plan, or other instrument be left at the office of the town clerk or engineer, the same shall be left there between the hours of ten o'clock in the morning and four o'clock in the afternoon, or within any extended office hours prescribed by byelaw to be observed thereat, and in the absence of express provision in this Act the Corporation may from time to time by byelaw direct the delivery of notices required by this Act to particular officers of the Corporation.

Plans to be property of Corporation.

17. All plans and other documents which in pursuance of this Act, or of any byelaw made thereunder, are left at the office of the Corporation, or delivered to any officer of the Corporation, shall on being so left or delivered become and shall continue and be the property of the Corporation.

Proof of debt in bankruptcy.

18. If any person against whom the Corporation have any claim or demand becomes bankrupt, the town clerk in all proceedings in relation to the estate of such bankrupt may represent the Corporation and act in their behalf in all respects as if such claim or demand had been the claim or demand of the town clerk, and not of the Corporation.

III.—STREETS, HIGHWAYS, ROADS, PATHS.

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19. The Corporation may vary as they think fit the intended position or direction of any street or court to be hereafter laid out, and may vary the intended line of frontage of any new building (not being a re-erection on the site of a previous building) in such street or court so that the same may correspond with the building line of the adjoining or nearest houses, or with the general building line of or prescribed for the street or court, making compensation to owners and occupiers for any injury sustained by them by reason or in consequence of the execution of the powers of this section.

Power to vary direction of streets, &c.

20. The Corporation may appropriate, use, and dispose of any old materials existing in any street or court at the time of the execution by the Corporation of any works there, allowing the value thereof to the owners of buildings and lands there in proportion to their interest in the materials, unless they within forty-eight hours after notice to do so served on them by the Corporation remove the materials or their respective proportions thereof, and any stone, gravel, clay, or other material produced in the course or in consequence of the execution by the Corporation of any such works may be used by them in the execution of any such works, and in case of their using the same the value thereof shall be paid or allowed by them to the owners of buildings or lands whose property has produced the same.

Materials in streets sewered and paved.

21. The powers vested in the Corporation under section sixty-nine of the Public Health Act, 1848, and section thirty-eight of the Local Government Act, 1858, may be exercised as follows; (that is to say,)

Successive exercise of powers, &c.

In relation to any one or more of the works or classes of works mentioned in those provisions separately without any other or others of them :

In relation to the same street or court or any part or parts thereof successively, at such intervals and times as the Corporation think fit :

In relation to one footway of a street or court after another :

In relation to the paving of a street or court after it has been macadamized :

In relation to the flagging of a footway after it has been asphalted or otherwise formed.

22. The Corporation may charge to owners within section sixty-nine of the Public Health Act, 1848, and section thirty-eight of the Local Government Act, 1858, or either of them, a commission not exceeding the rate of five per centum per annum on the amount

Charge by Corporation in respect of works done to streets,

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and recovery
of expenses.

of the expenses incurred by the Corporation in executing works under those sections, or either of them, in respect of the surveying and superintendence of those works, and that commission may be recovered from the owners described in those sections or in section sixty-two of the Local Government Act, 1858, either in one or other of the modes authorised by section sixty-nine of the Public Health Act, 1848, or in the mode authorised by section twenty-three of the Local Government Act (1858) Amendment Act, 1861, and shall be deemed to be new street expenses.

Provisional
acceptance
of street by
Corporation.

23. Where a street or court has been macadamized or a footway has been asphalted or otherwise formed, the Corporation may provisionally accept the same, and undertake the maintenance and repair thereof without requiring in the first instance the paving of the street or court or the flagging of the footway, and may afterwards, when from the increase of buildings or traffic or other cause they think it requisite, order that the same or any parts in succession thereof be paved or flagged under and according to the foregoing provisions of this Act.

Expenses to
be new street
expenses.

24. The expenses of and incidental to any one or more of the works or classes of works aforesaid ordered by the Corporation shall be deemed new street expenses.

Flagging of
causeways
under Im-
provement
Act of 1867.

25. Where under section sixteen of the Nottingham Improvement Act, 1867, the flagging of the causeways is executed by the owners, no part of the costs of that flagging shall be borne or paid by the Corporation.

Power to
require alter-
ation of levels
of streets.

26. The Corporation may from time to time, by order in conjunction with or in relation to any order authorised by this Act relative to the formation of a street, direct that the level of the street be altered so as to be adapted in such manner and to such extent as the Corporation think fit to the level of any adjoining or other street, making compensation to owners and occupiers of buildings and lands for any injury sustained by them by reason or in consequence, or in the execution of the order.

Power to
divert high-
ways where
unnecessary,
&c.

27. The Corporation may, on the application of the owners of the land over which any highway or footpath passes, from time to time, by order, divert the highway or footpath on such terms as to the vesting of the soil and other matters as may be agreed on between the Corporation and the owners and lessees of buildings and lands abutting on the highway or footpath, and on the highway or footpath being so diverted all public and other rights of way and other rights in, over, or on the same to the extent of such diversion shall be absolutely extinguished, but no such order

shall be executed until after the expiration of one month from the time when it has been publicly posted at each end of the highway or footpath to which it relates. A.D. 1874.

28. It shall not be lawful for any person without the consent of the Corporation to lay any building materials, rubbish, or other thing, or make any excavation on or in any street or court, and when with such consent any person lays any building materials, rubbish, or other thing, or makes any excavation on or in any street or court he shall at his own expense (if the Corporation so require) cause the same to be sufficiently fenced, and a sufficient light to be fixed in a proper place on or near the same, and to be continued every night from sunset to sunrise, and shall remove such materials or thing or fill up such excavation (as the case may be) when required by the Corporation, and if any person fails to comply in any respect with the requirements of the present section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such failure continues after the expiration of twenty-four hours from the service of notice thereof on him by the Corporation, and the Corporation may remove any such materials or thing or fill up such excavation (as the case may be) and recover the expenses from the offender.

Restriction on and lighting of deposits of building materials or excavations.

29. Where any person puts up in any street or court any temporary hoard, fence, platform, handrail, scaffold, post, bar, rail, board, or other thing by way of enclosure, he shall put the same in such lines as the Corporation direct, and he shall not, without the consent of the Corporation, cause or permit the same, or any part thereof, to be used for the affixing of any placards, posting bills, or notices, other than those of the Corporation, and if any person fails to comply in any respect with the requirements of this section he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every twenty-four hours during which such failure continues after the expiration of twenty-four hours from the service of notice thereof on him by the Corporation.

Lines, &c. of hoards.

IV.—BUILDINGS.

30. Every new building intended to be used as a dwelling-house built after the commencement of this Act on any land comprised in the Nottingham Inclosure Act, 1845, shall have in the rear or at the side thereof an open space adjoining and belonging exclusively thereto, and co-extensive with the breadth or frontage of the entire building, to the extent of at least one

Open space about dwellings.

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Level of ground floors. **31.** The level of the ground floor of every dwelling-house built after the commencement of this Act shall be at least six inches above the highest level of the footway or road adjoining or near the same.

Flood level of Trent to be observed. **32.** No part of a dwelling-house built after the commencement of this Act, or of any building or ash-pit appurtenant thereto or used therewith, or of a yard attached thereto, shall be below the flood-level of the Trent in the borough, which level shall be determined by the Corporation.

Construction of water-closets, &c. **33.** Unless in any case the Corporation otherwise allow, there shall be at least one watercloset or privy and one ashpit for every two dwelling-houses built after the commencement of this Act.

Penalties relative to new buildings. **34.** If after the commencement of this Act in the erection of a building or the execution of any work connected therewith, anything is done in contravention of this Act, or anything required by this Act is omitted to be done, the Corporation may give to the owner of the building, or his agent, or the builder notice in writing requiring him within a time therein specified to amend what is done in contravention or to do what is omitted, and if the owner or builder fails to comply in any respect with the requirements of this Act in the notice referred to, he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which that failure continues after the expiration of a time specified in that behalf in the notice.

Certain waterclosets to be constructed in factories, &c. **35.** If at any time any building is used or intended to be used as a factory or workshop or place in which persons of both sexes are employed or intended to be employed at one time in any manufacture, trade, or business, the Corporation may, if they think fit, by notice served on the owner or on the occupier thereof, require him

within a time specified in the notice to construct a sufficient number of waterclosets, tub-closets, or privies and urinals, for the separate use of each sex, and if any person neglects or refuses to comply with any such notice, he shall for every such offence be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding forty shillings for every day during which the offence continues after the expiration of fourteen days from service of notice thereof on him by the Corporation.

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

Power to make bye-laws with respect to buildings.

For regulating the structure or alteration of buildings of public resort for securing efficient means of egress therefrom in case of fire or accident;

For regulating the mode of securing balconies and other projections from buildings and the construction of temporary or permanent galleries or platforms;

For regulating the thickness and construction of walls of or near ovens and furnaces built or partially built after the commencement of this Act;

And subject to the express provisions of this Act, the Corporation may provide for the observance of those byelaws by inserting therein such provisions as they think necessary—

As to the giving of notices;

As to the deposit of plans and documents by persons intending to construct or alter buildings to which the byelaws relate;

As to inspection by the Corporation;

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

V.—SEWERS, SANITARY ARRANGEMENTS.

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

Prohibition of throwing injurious matter into sewers, &c.

A.D. 1874. — after the expiration of a time to be determined in that behalf by the justice before whom he is convicted: Provided that any person charged with an offence against this section shall not be convicted thereof if he shows to the satisfaction of the justices before whom he is charged that he has duly used the best known practicable means of depriving the refuse from his manufactory or work of qualities that would make it destructive of or injurious to vegetation, or likely to otherwise interfere with the utilisation of the sewage of the borough.

Penalty on throwing rubbish into sewers.

38. If any person throws or permits to fall into any public or private sewer or drain any cinders, ashes, bricks, rubbish, stone, earth, sand, shell, or other like substance, or causes or permits to flow thereinto any lime washings or other refuse by which the sewer or drain may become blocked up or obstructed, or discharges or causes or allows to be discharged any steam, exhaust steam, or hot water into any public or private sewer or drain in such quantities at any one time as may be dangerous to any person working therein, he shall be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding one pound for every day during which the offence continues after the expiration of twenty-four hours from service of notice thereof on him by the Corporation; and the Corporation may remove and repair any damage caused thereby, and recover summarily the expenses of so doing from the offender.

Provisions respecting construction of drains.

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

- (1.) Where the owner or occupier of a house or building, in consequence of notice from the Corporation or otherwise, constructs and lays down a drain therefrom, the Corporation shall superintend and control the construction and laying down thereof, and, as far as the same passes under any street or road, shall construct and lay the same:
- (2.) The expenses incurred by the Corporation in the construction and laying thereof shall be ascertained, and the Corporation shall order payment thereof by the owner of the house or building, either in one sum or more sums, and at such time or times as they think fit, and in default of payment according to the order the same shall be recoverable by the Corporation.

Penalty for throwing rubbish, &c. into Trent or Leen, &c.

40. If any person in the borough throws, casts, or deposits, or by any other means conveys, or causes or permits to be conveyed, any offensive matter or thing into the waterway or bed of the Trent

or Leen, or any well, stream, canal, or watercourse, he shall be deemed guilty of an offence against this Act, and shall for every such offence be liable to a penalty of not exceeding forty shillings, and a further penalty not exceeding twenty shillings for every day during which the offence continues after the expiration of twenty-four hours from notice of the offence served on him by the Corporation; and the discharge of any offensive matter or thing from any private or other drain, waterway, doorway, or window shall be evidence that the occupier of the premises from or in which the drain, waterway, doorway, or window proceeds or is, has committed an offence within this section. A.D. 1874.

41. For the purpose of collecting and depositing nightsoil, dung, ashes, and other filth and rubbish, the Corporation may provide horses, carts, dust boxes, implements, and other things, and may purchase by agreement or hire any lands or buildings, and may erect any new buildings, or alter any existing buildings, but such collection and deposit shall be so made, and at such places, as not to create a nuisance. Power to provide for collection, &c. of night-soil.

42. The occupiers of houses and buildings (including the yards, gardens, pleasure grounds, and appurtenances thereof) adjoining to streets, the churchwardens and chapelwardens of every church or chapel, the owner of any dead wall or other fence or vacant piece of ground, the trustees, treasurer, and minister of every meeting-house or place of public worship, and the person for the time being the ostensible director or manager of every hospital, school, theatre, or other public building in the streets, shall keep clean and free from filth, snow, and ice, and if necessary sweep the several footways and foot pavements along the whole lengths of the fronts of the respective houses, buildings, churches and churchyards, chapels and chapelyards, dead walls, vacant pieces of ground, meeting-houses, hospitals, schools, theatres, and other public buildings, tenements, yards, gardens, pleasure grounds, or other hereditaments and to the full extent of those footways and foot pavements before, behind, and on the side or sides of the same respectively, before the hour of nine of the clock in the morning of each day except Sunday, and if any occupier or other person makes default in any of the cases aforesaid he shall be liable to a penalty not exceeding ten shillings. Cleansing of footpaths.

43. The Corporation may order the occupier of any inn, public-house, beer-house, eating-house, cook-shop, or other place of public entertainment built before or after the commencement of this Act to provide and maintain at a place belonging to or occupied by him Urinals attached to public-houses, &c.

A.D. 1874.

on or adjoining to his premises urinals to the satisfaction of the Corporation, and the Corporation may order the owner and occupier of any building or lands to remove any urinal belonging thereto so situated or constructed as to be a nuisance or offensive to public decency, or otherwise objectionable, and if any person fails in any respect to comply with this section he shall be liable to a penalty not exceeding five shillings for every day during which such failure continues after the expiration of fourteen days from the service of such order on him.

Power to supply courts with privies, &c.

44. The Corporation, for the purpose of supplying a court or place with privy or ashpit accommodation, may from time to time take by agreement any building and remove the same and execute all consequent structural and other works, and the owners of such houses in the court or place as are benefited thereby shall be liable to pay the expenses incurred by the Corporation in the execution of this section, and the amount thereof shall be apportioned among those owners by the engineer, and the amount apportioned to each owner shall be payable by and recoverable from him.

Power to open ill-ventilated courts.

45. The Corporation for the purpose of opening a close or ill-ventilated court or other place may from time to time take by agreement any building and remove the same and execute all consequent works, making compensation to owners and occupiers for any injury sustained by them by reason or in consequence of the execution of the powers of this section.

Power to deal with nuisance on premises partly within and partly without borough.

46. If any nuisance or annoyance to the inhabitants of the borough arises or exists in or upon any building or the curtilage thereof situated partly within and partly without the borough, the Corporation shall have in respect of such building and curtilage and the owner and occupier thereof such and the like powers as they would have had if the whole of such building and curtilage had been within the borough.

Cleansing watercourses, &c. forming boundaries of borough.

47. If a watercourse, brook, ditch, drain, pool, reservoir, or other accumulation of water is in the borough, or forms part of the boundary between the borough and any adjoining place, and in the opinion of the Corporation requires to be drained, cleansed, scoured, deepened, widened, straightened, diverted, pitched, covered over, or otherwise improved, the Corporation may expend a sufficient sum from the borough fund or general district rate in executing such permanent or other structural works in relation thereto as appear to them necessary or expedient.

Exemption of certain

48. The provisions of this Act with respect to buildings, and the regulations with respect to buildings contained in any byelaw made

pursuant to this Act, shall not extend or apply to any building other than a dwelling-house belonging to or used or intended to be used and occupied by a railway company for the purposes of their business, except with respect to the drains and other sanitary details of such buildings or the lines of such buildings where the same adjoin or abut upon a street or court.

A.D. 1874.
 railway buildings from operation of Act.

49. In the event of the prevalence in the borough of any contagious or infectious epidemic, or other disease, the Corporation may, if they think fit, establish a temporary hospital or ward for the treatment of the disease, and provide proper fittings, furniture, conveniences, medical appliances, and other things necessary or proper for the hospital or ward, and engage medical attendants and nurses and others for the service of the same, or agree with the managers of a hospital within or without the borough for the reception therein of inhabitants of the borough affected with the disease.

Power to establish temporary hospitals, &c.

50. The inspector of nuisances shall have the like power of making complaint before a justice as is conferred on any inhabitant of any parish or place by section thirteen of the Act of the session of the twenty-third and twenty-fourth years of Her Majesty's reign (chapter seventy-seven) "to amend the Acts for the removal of " nuisances and the prevention of diseases," and on a complaint under that section by the inspector of nuisances, like proceedings may be taken and like consequences shall follow as on a complaint thereunder by an inhabitant.

Extension to inspector of nuisances of power to make complaint.

VI.—LIGHTING.

51. On the repeal by this Act of the Lighting Act of the session of the sixth and seventh years of Her Majesty's reign (chapter two, local and personal), all lamps, lamp posts, plant, effects, money, and property vested in or belonging to the town lighting committee under that Act shall be by virtue of this Act transferred to and vested in the Corporation, subject to all debts and liabilities of that committee, and the Corporation may collect all arrears of rates leviable by that committee, and shall carry the amount received to the borough fund, and the Corporation shall pay and discharge all the debts and liabilities of that committee.

Transfer to Corporation of property, debts, &c. of town lighting committee.

VII.—PARKS, TOWN HALL, TELEGRAPHS, OTHER MATTERS.

52. The Corporation may from time to time purchase by agreement, or take on lease or at a rent, any lands within or without the borough, to be appropriated for the purposes of a park or a public walk or public walks, or a place or places of public resort or

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

A.D. 1874. recreation, or of the enlargement or improvement thereof, or of the approaches thereto, and for the purposes of any such park, walk, or place, construct, enlarge, maintain, or repair, or take down such buildings, walls, and fences as they think proper, and stop up and discontinue any footpath, road, or way in, upon, through, or over any lands forming part of any such park, walk, or place, and level, drain, sewer, pave, flag, gravel, lay out, plant, light, or otherwise improve every such park, walk, or place, and do such other acts as appear necessary to the Corporation, with a view to the proper formation, maintenance, improvement, use, and enjoyment of every such park, walk, or place.

Lease of
castle and
grounds.

53. The Corporation may accept from the trustees for the time being under the will of Henry Pelham late Duke of Newcastle, and those trustees may grant to the Corporation, a lease of the castle of Nottingham, and the grounds thereof and approaches thereto, or any part thereof, for any term of years not exceeding five hundred years, at such rent, or for such other consideration, and on such terms and conditions as the Corporation and those trustees agree on.

Castle and
grounds to be
laid out as
park, &c.

54. If and when a lease of the castle of Nottingham and of the grounds thereof is granted to the Corporation under this Act, the Corporation may lay out, maintain, and use the same as a park, place of recreation, museum, or other place of exhibition, and may charge such sum for admission thereto as they from time to time think fit, and the lands and buildings comprised in the lease shall be by virtue of this Act part of the borough.

General
saving.

55. Saving always to the Queen's most Excellent Majesty, her heirs and successors, and to all persons and all bodies, their heirs, executors, administrators, successors, and assigns, except the said William Ewart Gladstone and Baron de Tabley, and the trustees for the time being of the said indenture of the seventeenth day of June one thousand eight hundred and fifty-six, and except the said Henry Pelham Earl of Lincoln, and except all other persons who by virtue of the limitations in the first codicil to the will of the late Duke of Newcastle, now are or at any time hereafter become interested in the premises whereof a lease is by this Act authorised, and except the heirs of the late Duke of Newcastle, and except the heirs, executors, administrators, successors, and assigns of the persons excepted as aforesaid, all such estate, right, title, interest, claim, and demand of, in, to, out of, or upon the same premises, and every part thereof as they or any of them had before the passing of this Act, or could or might have had or enjoyed if this Act had not been passed.

56. The Corporation may from time to time make byelaws for all or any of the following purposes relating to any park, public walk, or place of public resort or recreation belonging to them; (that is to say,) A.D. 1874.
Power to
make bye-
laws for re-
gulation of
parks, &c.

For appointing and regulating keepers or servants employed therein :

For regulating the days on and hours at which the same is to be opened and closed :

For fixing the payment to be made for admission to any building therein, or for the use of a cricket ground or gymnasium therein :

For regulating the conduct of persons frequenting the same :

For preventing the holding therein of any political or party meeting, or any meeting which in the judgment of the Corporation is not proper to be held therein :

For regulating the days on and hours at which games and gymnastics are to be permitted therein, and the particular parts or places for the same :

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

For regulating refreshment rooms therein, and for determining the days on and hours at which they are to be opened and closed, and the nature and prices of the articles to be sold therein :

For preventing or for regulating by time or otherwise the smoking of tobacco therein, or in any building or part of a building therein :

For preventing or regulating the admission therein of dogs :

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

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

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

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

A.D. 1874.

Corporation
may close
arboretum on
special occa-
sions.

57. The Corporation may from time to time, and on such occasions as they think fit, but not on any number of days exceeding in the whole twenty-one in any year, close the recreation ground or park of the Corporation known as the arboretum against the public, and admit to the same the members of any society or of 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 the Corporation direct.

Exchange of
building
ground for
recreation
ground.

58. The piece of land No. 406 on the Nottingham inclosure award map shall be held by the Corporation as part of their Chamber Estate, free from all rights, restrictions, and obligations imposed thereon by the Nottingham Inclosure Act, 1845, for purposes of public recreation, and in lieu thereof the Corporation shall hold as recreation ground so much of the piece of land No. 405 on the same map as forms a segment of a circle of a radius of five hundred and twenty-five feet, the chord extending from the south corner of a piece of land in the occupation of Benjamin Wheeler to the east corner of the Jews Burial Ground, saving to all persons and to all bodies other than the Corporation all right, title, and interest to or in those pieces of land or either of them.

Power to
provide town
hall, courts,
gaols, &c.

59. The Corporation may take down and remove any buildings at the commencement of this Act belonging to them for purposes of the Corporation under the Municipal Corporations Acts or otherwise, and may build on the site thereof or on other lands belonging to or held by them, or at any time acquired by them under the powers of this Act, a town hall, assize courts, and judges lodgings, borough or sessions courts, polling stations, ward offices, police courts, gaols, station houses, public library, museums, and other public offices and buildings, and may from time to time enlarge and improve the same, and furnish and fit up the same with all proper furniture and conveniences, and may let or allow the use of any hall or public building for the time being belonging to them for such purposes and on such conditions as they think fit, if and when the same are not required for purposes of the Corporation.

Regulation
of disused
burial
ground.

60. The Corporation and any rector, vicar, commissioners, churchwardens, overseers, or other person or persons concerned may from time to time enter into and execute such agreements as they think fit for the Corporation enclosing, laying out, planting, putting into and keeping in proper sanitary condition and good order, and otherwise regulating any disused burial ground, and the Corporation

may from time to time make byelaws for preventing nuisances therein and for regulating the use thereof. A.D. 1874.

61. The Corporation may from time to time establish and maintain within the borough such telegraphs as they think expedient or necessary for the better execution of any of the powers or authorities for the time being vested in them, and in relation to any such telegraphs for the purposes of the Telegraph Act, 1863, the Corporation shall be in the like position in all respects as a company authorised by special Act of Parliament to construct and maintain telegraphs would be or might have been under that Act, so, however, that it shall not be requisite for the Corporation to give any notice respecting the opening for the purposes of telegraphs of any street or court under their own management, but nothing in this Act shall authorise the Corporation to work telegraphs in consideration of any money payment or other valuable consideration, or for any purpose other than the execution of their powers and authorities aforesaid, or in contravention of any exclusive privilege by law vested for the time being in the Postmaster General, or to construct any telegraph which shall interfere in any way with any telegraph in the possession or under the control of the Postmaster General.

Power to establish telegraphs.

62. The Corporation may from time to time place and maintain in a street or court any such monument, ornamental or drinking fountain or trough, as they think fit, and if any person damages, defaces, or makes any mark on the same or on any work appurtenant thereto, or pollutes or makes unfit for drinking by man or animal water in any such fountain or trough, or washes in or permits to enter into that water any dog or other animal under his charge or accompanying him, he shall be guilty of an offence against this Act, and shall for every such offence be liable on summary conviction to a penalty not exceeding forty shillings.

Statues, drinking fountains, &c.

63. If any person injures or defaces any church, chapel, bridge, other public building, or any tomb, monumental stone, or inscription in a churchyard or burial ground, or affixes thereto any bill or paper other than such as may be lawfully affixed thereto, he shall be liable to a penalty not exceeding five pounds.

Penalty for injury to churches, &c.

64. The Corporation may from time to time establish and maintain such meteorological apparatus as they think expedient.

Meteorological apparatus.

VIII.—LIBRARIES, MUSEUMS, SCHOOLS OF SCIENCE AND ART.

65. The Corporation may from time to time make byelaws for all or any of the following purposes relating to any public library, museum, school, or exhibition of science and art for the time being

Power to make byelaws as to libraries, &c.

A.D. 1874. — belonging to or vested in or under the control of the Corporation ;
(that is to say,)

For regulating the days on and the hours at which the same shall be opened and closed :

For regulating the conduct of persons frequenting the same :

For protecting the same and the books, maps, newspapers, works, objects, articles, fixtures, fittings, and things therein or thereto belonging from injury or destruction :

For enabling the servants of the Corporation to exclude or remove therefrom idle or disorderly persons, or persons not using the same for the purpose for which the same is intended, or being guilty of a breach of any byelaw relative thereto or of any public law :

For preventing persons from improperly obtaining, retaining, or disposing of any book, map, newspaper, work, object, article, or thing therefrom, or neglecting or refusing compliance with the terms of any undertaking or other document signed by him in relation thereto.

IX.—BATHING PLACES.

Power to establish bathing places on Trent.

66. The Corporation may from time to time, with the consent of the Trent Navigation Commissioners, establish and maintain bathing places on the Trent in or in the immediate neighbourhood of the borough, and may make such charges for the use thereof as they think fit.

Power to make byelaws for regulation of bathing places, &c.

67. The Corporation may from time to time, with respect to public bathing places provided by them or under their management, make byelaws for all or any of the following purposes ; (namely,)

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

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

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

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

For determining the charges for the use of the bathing places :

For removing from the bathing places offenders against the byelaws.

68. Whenever any bathing place established by the Corporation, having been carried on for one year or upwards, is determined by the council to be unnecessary or too expensive to be kept up, the Corporation may discontinue the same or any part thereof, and sell or dispose of the buildings and fittings or any part thereof. A.D. 1874.
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Power to discontinue and sell buildings, &c.

X.—POLICE.

69. The following provisions of the Town Police Clauses Act, 1847, (except as far as they are varied by or inconsistent with this Act,) are hereby incorporated with this Act; (that is to say, Incorporation of part of Town Police Clauses Act.

The provisions with respect to the appointment and the powers, duties, and privileges of constables.

70. The chief constable may, subject to the approval of the watch committee, dismiss or suspend any constable from the exercise of his office for such time as the chief constable thinks fit, for breach of discipline, or neglect or violation of duty or grave misconduct, and if any constable while suspended by the chief constable exercises in any manner the office of constable he shall be liable to a penalty not exceeding five pounds, and section eleven of the Town Police Clauses Act, 1847, shall extend and apply to the case of a constable suspended by the chief constable. Power to chief constable to dismiss or suspend constables.

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

72. If any person in a street or market at any time assaults or insults any passenger, or uses to or in the hearing of any passenger any threatening, obscene, or disgusting language, or wilfully creates any obstruction, he shall be deemed guilty of an offence against this Act, and shall for every such offence be liable to a penalty not exceeding forty shillings. Penalty on insulting passengers.

XI.—REGULATIONS FOR GOOD ORDER.

73. Any constable or other officer appointed by the Corporation may destroy any dog or other animal reasonably suspected to be in a rabid state, or to have been bitten by any dog or other animal reasonably suspected to have been at the time of biting in a rabid state. Mad dogs.

74. The orders respecting street traffic authorised by section twenty-one of the Town Police Clauses Act, 1847, may be made by the mayor or the chief constable. Obstructions in streets during public processions, &c.

A.D. 1874.
Byelaws
regulating
street traffic.

75. The Corporation may from time to time make such byelaws as they think fit for all or any of the following purposes ; (that is to say,)

For prohibiting at any time any cart or carriage coming into or standing in or passing along any street specified in the byelaws :
For prescribing the line to be kept by persons riding or driving and the distances to be observed between vehicles while traversing a crossing.

XII.—SMOKE.

Penalties for
non-con-
sumption of
smoke.

76. For prevention of smoke the following provisions shall have effect ; (that is to say,)

(1.) If any fireplace or furnace employed after the commencement of this Act in the working of engines by steam, or in any building used for the purpose of trade or manufacture, or baths or washhouses (although a steam engine is not used therein) is not so constructed as to prevent or burn the smoke arising from such fireplace or furnace, the owner or occupier of the building or lands in or on which such fireplace or furnace is situate shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding forty shillings for every day during any part of which any fireplace or furnace is so employed without being constructed so as to prevent or burn the smoke arising therefrom :

(2.) If any such owner or occupier, after the commencement of this Act, negligently uses, or permits to be used, any fireplace or furnace so constructed as to prevent or burn the smoke arising therefrom in such manner that the smoke arising therefrom is not effectually prevented or burnt, he shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding forty shillings for every day during any part of which such fireplace or furnace is so continued to be used :

(3.) If any engineer, fireman, stoker, foreman, or other person negligently uses any fireplace or furnace constructed so as to prevent or burn the smoke arising therefrom in such manner that the smoke arising therefrom is not effectually prevented or burnt, he shall be liable to a penalty not exceeding forty shillings :

(4.) The foregoing provisions of this section shall extend to cases where more fireplaces or furnaces than one communicate with a single chimney, and in any such case the names of

the several owners and occupiers of the buildings or lands on which they are situate, and the several engineers, firemen, stokers, foremen, or other persons having the control or management thereof, may be included in one summons, and the justice before whom the case is brought may, in his discretion, apportion the penalty as he sees fit, or impose a penalty on one or more of those persons in exclusion of the others :

A.D. 1874.

- (5.) If any such owner or occupier, or the servant of either of them, refuses to allow such building or lands to be inspected by a person authorised by the Corporation, then any person so authorised may, by warrant under the hand of a justice (which warrant any justice is hereby authorised to grant), enter into and upon such building or lands, and examine any such fireplace or furnace.

XIII.—FIRE.

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

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

78. The chief constable or captain or superintendent of the fire brigade of the Corporation, or other officer for the time being in charge of the engine or part of the fire police establishment of the Corporation attending at any fire in the borough, shall, from the time of his arrival thereat, have the sole charge and control of all operations for the extinguishment of such fire, whether by the Corporation engine or establishment or any other or others, including the fixing of the positions of fire engines and apparatus, the attaching of hose to any water pipes or water supply, and the parts of the building on fire or of adjoining buildings against which the water is to be directed.

Captain of fire brigade to have control of operations.

XIV.—HACKNEY CARRIAGES, STAGE CARRIAGES, CARTS, PORTERS.

79. The Corporation may from time to time make byelaws for all or any of the following purposes ; (that is to say,) For regulating the mode of application for and the issuing of

Power to make byelaws as to drivers of

A.D. 1874.

hackney car-
riages.

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

For regulating the conduct of drivers of hackney carriages in their employments, and determining whether they shall wear any and what badge :

For regulating the fitness of animals to be allowed to draw a hackney carriage and for the removal therefrom of unfit animals.

Penalty for
fraudulent
use of num-
ber, &c.

80. If any person fraudulently or with intent to deceive does any of the following things ; (that is to say,)

(1.) Affixes or places on any carriage or cart any figure or number to resemble any figure or number appointed by the Corporation to be affixed to any licensed hackney carriage or licensed porter's cart ;

(2.) Affixes or carries on his person any badge, figure, or number to resemble any badge, figure, or number appointed by the Corporation to be carried by a licensed driver ;

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

Power to
reward
driver.

81. The Corporation may reward a licensed driver for meritorious conduct.

Power to
make bye-
laws as to
omnibuses,
carts, &c.

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

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

For fixing stands for omnibus and stage carriages and carriers carts.

Power to
make bye-
laws as to
porters.

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

For licensing porters (that is to say, persons following the business of carrying errands, messages, parcels, or luggage for hire), shoeblacks, and porters carts, and for charging any fee not exceeding five shillings for any such license for twelve months, and in the like proportion for any shorter period, and for regulating the conduct of porters in their

employments, and determining whether porters shall wear any and what badges, and for regulating the hours within which they may exercise their calling: A.D. 1874.

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

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

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

And in any such byelaws the Corporation may (if they think fit) apply to porters and shoeblacks and porters carts, with any reasonable alteration and addition, any of the provisions of this Act, or of any other Act relative to hackney carriages and drivers thereof, as far as the same are applicable.

XV.—WEIGHTS AND MEASURES.

84. Where an inspector of weights and measures is authorised by law to inspect or examine any beam, scale, balance, weight, or measure in the possession of any person selling, offering, or exposing for sale any goods on any open ground, or in any street, thoroughfare, or other open place, he may for the purposes of that inspection or examination weigh or measure all or any part of any goods being then and there sold, offered, or exposed for sale by the person using or having in his possession the beam, scale, balance, weight, or measure, and if that person, on being required by the inspector, fails to produce the beam, scale, balance, weight, or measure for inspection or examination, or to allow it to be inspected or examined, or to allow the weighing or measuring therewith authorised by this section, or if he or any other person in any manner resists or hinders the inspection or examination thereof, or incites or aids any other person to resist or hinder the same, then and in every such case every such person as aforesaid shall be guilty of an offence against this Act, and shall for every such offence be liable to a penalty not exceeding five pounds. Enforcement of inspection or examination of weights, measures, &c.

85. After the commencement of this Act it shall not be lawful for any person, without the previous authority of the Corporation, to set up or establish any public weighing-machine or weighing-house, and the Corporation may from time to time purchase and take by agreement any public weighing-machine or weighing-house existing Restriction on and purchase of public weighing machines, &c.

A.D. 1874. — at the commencement of this Act, and may continue or discontinue the same as they think fit.

Weighing of carts in the borough.

86. Sections twenty-four, twenty-five, twenty-six, and twenty-seven of the Markets and Fairs Clauses Act, 1847, relating to the weighing of carts shall extend and apply to all carts in which goods are brought for delivery in the borough, and to any weighing-machine for carts in the borough, and the request of the inspector of weights and measures shall be equivalent to the request of a buyer or seller, and in the said section twenty-six a penalty not exceeding five pounds shall be substituted for a sum not exceeding twenty shillings.

Fraud by misstatement of weight, &c.

87. If any person selling, offering, or exposing for sale any goods on any open ground, or in any street, thoroughfare, or other open space commits any fraud by misstating or misrepresenting the weight or measure of any article sold or delivered by him, he shall be guilty of an offence against this Act, and shall for every such offence be liable to a penalty not exceeding five pounds.

XVI.—MARKETS AND FAIRS.

Application of Markets and Fairs Clauses Act.

88. The Markets and Fairs Clauses Act, 1847, is hereby incorporated with this Act, and shall extend and apply to the markets and fairs of the Corporation, as if they were authorised by this Act as the special Act, and the limits of the Corporation's markets and fairs shall be the limits of the borough, and the Corporation may, from the passing of this Act, demand and take in their markets and fairs tolls, rents, and charges not exceeding those specified in the second schedule to this Act, subject and according to the regulations in that schedule.

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

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

For appointing the mode and place in which any article may be sold or exposed or offered for sale in any market or fair, and for the removal of any article and of persons from any market or fair after sale, or at the close of the market or fair.

Sale of cattle out of market.

90. Every person who in the borough, except in the cattle market, sells, or offers or exhibits for sale, or permits to be sold, or to be offered or exhibited for sale, any cattle other than cattle which are his own and have been in his possession in the borough for the space of seven days before such sale, offer, or exhibition, shall be liable to a penalty not exceeding five pounds, but nothing in this section shall prevent the owner of any cattle or any horse dealer to whom only horses are consigned for sale from at any time

selling the same, or offering or exhibiting the same for sale in his own house, yard, or land, or from showing or trying a horse with a view to a sale thereof. A.D. 1874.

91. The several tolls in the markets and fairs payable in respect of user of any shop, stall, shed, standing, station, or place shall be paid not only by the person originally using the same for a part of a day or other time if he do not occupy it the whole day, but also by any person subsequently using the same for any subsequent part of the same day or other time. Tolls to be payable by successive occupiers of shops, &c.

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

93. Every article brought into any market or fair and left therein after the hour of closing (except any article left in charge of the clerk of the market or fair) may be taken possession of by the clerk, and if the same being of a perishable nature is not claimed within one hour after the hour of closing, or not being of a perishable nature is not claimed within one week thereafter, the same may be sold by the Corporation, who shall return the surplus proceeds of such sale, after deducting any unpaid stallage, rent, or toll due in respect thereof, and the expenses of detention and sale, to the owner on demand, if made within one month after the sale, but if demand is not so made the proceeds of the sale shall be forfeited to the Corporation. Forfeiture of articles left in market.

XVII.—RECOVERY OF NEW STREET AND OTHER EXPENSES.

94. All expenses incurred by the Corporation in pursuance of section sixty-nine of the Public Health Act, 1848, and of section thirty-eight of the Local Government Act, 1858, and section Recovery of new street and other expenses

A.D. 1874:
 from owners
 and others. eleven of the Nottingham Improvement Act, 1867, or any of them, and all other expenses by this Act or any byelaw thereunder made payable by or recoverable from the owner of any building or lands, or from the occupier of any building or lands, or from any other person, shall, if not paid on demand, be recoverable by the Corporation, with interest thereon from the expiration of one month after such demand at the rate to be determined by the Corporation, not exceeding five pounds per centum per annum, either as a debt from such owner or from such occupier, or from such other person (as the case may be) in any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or of such occupier, or of such other person (as the case may be), and any justice may issue his warrant accordingly.

Expenses to
 be a charge
 on lands as
 mortgaged. **95.** All expenses incurred by the Corporation in pursuance of section sixty-nine of the Public Health Act, 1848, and of section thirty-eight of the Local Government Act, 1858, and section eleven of the Nottingham Improvement Act, 1867, or any of them, and all other expenses by this Act or any byelaw thereunder made payable by or recoverable from the owner of any building or lands, with such interest thereon as by this Act or any such byelaw is provided for, (which expenses are comprised in the term "new street expenses" where used in this Act,) shall be a charge on such building or lands in priority to any incumbrance or charge on or affecting the same, and created subsequently to the day on which the Corporation commence the works on account whereof those expenses are payable, and the Corporation shall have the like rights and remedies in respect of that charge as if they were mortgagees with power of sale of the building or lands for the amount of the charge.

Extent to
 which occu-
 pier liable in
 default of
 owner. **96.** Where under the provisions of this Act any money is payable by or recoverable from the owner of any buildings or lands the occupier thereof shall be liable from time to time to the extent of the amount of the rent for the time being due from him to such owner, or of the proportion of rent in respect of any current period, but only as from the service on the occupier of a demand of payment of rent to the Corporation, and notice not to pay the same to the owner, and every such occupier shall be entitled to deduct any money paid by him (together with all costs, charges, and expenses incurred by him in respect of the payment thereof to the Corporation, or in respect of the recovery thereof by the Corporation) out of the rent due or becoming due from him to such owner.

Power to
 enter into **97.** If the owner of any building or lands charged with any new street expenses fails for the space of six months after the

same become recoverable from him to fully pay the same with all interest thereon, or if any such owner is or becomes bankrupt, or is, after diligent inquiry, unknown to the Corporation, or cannot be found by them, then and in every such case, and as often as the same happens, the Corporation (by way of additional remedy, and whether any action or suit or other proceeding against such owner has been brought by them or not) may, on or at any time and from time to time after the expiration of one month from service of a notice to such owner of their intention to put in force the powers of the present section, proceed as follows; namely,

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—
possession,
&c. where
owner fails
to pay his
proportion of
new street
expenses.

(1.) The Corporation may enter into receipt of, and demand and receive from tenants and occupiers, and persons liable, the rents and profits of such building or lands, and in case of nonpayment may use all or any such lawful remedies by way of distress or otherwise for recovering and obtaining payment of the same, or any part thereof, as may be used by landlords in ordinary cases, and may do all things necessary or expedient for recovering and receiving the rents and profits, as if they were the owners of the building or lands, and the tenants, occupiers, and persons liable shall pay the rents and profits to the Corporation, and the receipt of the treasurer, or of any officer of the Corporation appointed in that behalf, shall be and shall alone be an effectual discharge for the same:

(2.) Where any such building or lands is or are unoccupied or unproductive at the time when the Corporation would be entitled under this Act to enter into the receipt of the rents and profits thereof (if any), or at any time afterwards while the claim of the Corporation is unsatisfied, then and in every such case and as often as the same happens the Corporation may enter into possession of the building or lands, and may occupy, enclose, and use the same or any part thereof:

(3.) The Corporation may from time to time let from year to year, or for any shorter period, any such unoccupied or unproductive building or lands, or any part thereof, and receive the rents and profits thereof, as if they were the owners thereof.

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

Application
of rents and
profits
received.

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

A.D. 1874.

properly payable by the owner in respect of the building or lands, and all expenses incurred by the Corporation in relation thereto, by reason or in consequence of the failure of the owner thereof to pay any new street expenses or other expenses as aforesaid :

(2.) There shall be retained on behalf of the Corporation the amount which the owner is at the time of the commencement of such receipt by the Corporation liable to pay on account of new street expenses, and interest in respect of the same, or any other buildings or lands in the same or any other street :

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

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

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

Saving for special contracts as to expenses of works.

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

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

101. When any such expenses as aforesaid are to be repaid by the owners or occupiers of buildings or lands, the Corporation may by resolution allow to the owners or occupiers or any of them time for the repayment thereof or of any part thereof, and may order the same or any part thereof to be repaid either in one sum or by such instalments as the Corporation think fit, with interest for the principal money from time to time remaining unpaid after such rate as the Corporation determine, but all sums so remaining due, notwithstanding that the Corporation agree so to allow time, shall from time to time at the expiration of the several times allowed be recover-

able from the respective owners and occupiers for the time being, both present and future, in succession one after another, as the same would have been recoverable from the original owner or occupier if no such time had been allowed, and with respect to any such instalment the time limited by this Act or otherwise for the recovery of expenses shall be deemed to run only from the time when such instalment becomes due, but the Corporation shall not in any case allow under this section a term exceeding twenty years for the repayment of any expenses or of any part thereof.

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102. All owners of buildings or lands being tenants for life only, and all committees of lunatics, and all trustees seised, possessed of, or entitled to any estate or interest either at law or equity in any buildings or lands for or on behalf of any person or charity, may charge such buildings or lands with such sum as may be necessary to defray the whole or any part of any new street expenses which the owners of such buildings or lands for the time being are liable to pay, and the expenses of making such charge, and for securing the repayment of such sum with interest, may mortgage such buildings or lands to any person advancing such sum, but so that the principal money due on any such mortgage shall be repaid within twenty years.

Persons having partial interests may raise expenses by mortgage.

103. With respect to any new street or work begun or executed before the commencement of this Act, the immediately foregoing provisions of this Act (under the heading "recovery of new street and other expenses"), excepting those contained in section 94, shall apply as if that new street or work was begun after the commencement of this Act.

Same rules to apply as to works previous to Act.

XVIII.—LANDS.

104. The regulations contained in section seventy-five of the Local Government Act, 1858, shall be observed with respect to the purchase of lands by the Corporation, and shall apply and have effect as if the purposes of this Act or of any other Act in force in the borough were purposes of the Local Government Act, 1858, and the costs, charges, and expenses in that section provided for shall be a charge on the borough fund and borough rate.

Purchase of lands under provisional order.

105. The Corporation may from time to time for purposes of this Act take by agreement any lands within the borough and may hold the same.

Power to take lands by agreement.

106. The Corporation may take by agreement, and any person by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, or otherwise enabled to sell lands may grant to them, any term, estate,

Power to agree for easements, &c.

A.D. 1874. — easement, interest, right, or privilege in, over, affecting, or belonging to lands within the borough, the same being required for purposes of this Act, at a yearly rent or otherwise, but in the case of a person not enabled otherwise than by those Acts to sell lands, then subject and according to the provisions relative to the taking of lands by agreement contained in those Acts, for which purpose any term, estate, easement, interest, right, or privilege as aforesaid shall be deemed lands within those Acts.

Power to sell, &c. lands not wanted.

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

Application of purchase money of land.

108. Any purchase money received on any sale of land and any money received for equality of exchange by the Corporation under this Act shall be distinguished as capital in the accounts of the Corporation, and shall be applied exclusively for purposes for which money borrowed under this Act is applicable or in discharge of money so borrowed, and any money so discharged shall not be re-borrowed.

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

109. Except as to buildings or lands acquired by the Corporation under any Act repealed by this Act, or under the Sanitary Acts, or under this Act, nothing in this Act shall enable the Corporation to sell, alienate, encumber, or demise for the purposes of this Act, without the approbation of the Commissioners of Her Majesty's Treasury, signified in writing after due notice having been given in accordance with the Municipal Corporations Acts, any buildings or lands which they could not have sold, alienated, encumbered, or demised without that approbation before the commencement of this Act, but with that approbation the Corporation may for the purposes of this Act, or with a view to raising money for the execution of this Act, sell, alienate, encumber, or demise any buildings or lands.

XIX.—BORROWING POWERS.

General borrowing power.

110. The Corporation may from time to time, with the previous approval of the Local Government Board, borrow at interest on the security of the borough fund and borough rate, or district fund account and general district rate, so much money as they deem necessary for defraying the expenses of the execution by them of this Act, and may mortgage the borough fund and borough rate or

district fund account and general district rate to secure repayment thereof with interest accordingly. A.D. 1874.

111. Every mortgage made by the Corporation shall be by deed under their common seal duly stamped and truly stating the consideration, and may contain such stipulations as they and the lender agree on, but unless otherwise therein stipulated all the mortgages of the Corporation under this Act shall rank together without any priority on account of the date of the deed or on any other account. Form of mortgage.

112. The Corporation may from time to time, if they think fit, issue to holders of their mortgages coupons for the interest from time to time to fall due thereon in such form as the Corporation think fit, so as every coupon do refer to the mortgage to which it relates and do specify the amount and time of payment of one half year's interest to fall due on the principal money secured by the mortgage, and be authenticated by the signatures of two persons thereunto expressly authorised by the Corporation, (which authorisation shall be presumed until the contrary is shown,) and on presentation to the treasurer of a coupon he shall pay to the person presenting it the amount of interest thereon expressed and thereby appearing to be payable, and on audit of the treasurer's accounts the coupon shall be accepted as a sufficient warrant for his payment of the amount for which it was issued, but the treasurer shall not be bound to make any payment of interest beyond the amount of the money of the Corporation then in his hands and applicable in that behalf. Coupons for interest on mortgages.

113. For enabling the Corporation to substitute a continuing stock for renewable mortgages of the borough fund and borough rate, or of the district fund account or general district rate in the ordinary form, the following provisions shall have effect; (that is to say,)

- (1.) The Corporation may raise any money which they are by this Act or otherwise authorised to raise by creation and issue at such times, in such amounts and manner, at such price, on such terms, subject to such conditions, and with such rights and privileges as they think fit of stock, to be called Nottingham Corporation debenture stock, bearing interest, payable half-yearly or otherwise, and redeemable (at the option of the Corporation) at par at such times and on such conditions, and to be charged on the borough fund and borough rate, or on the district fund account or general district rate, as the Corporation declare at the creation thereof: Power to create debenture stock.

A.D. 1874
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- (2.) The debenture stock shall have all the incidents of personal estate :
- (3.) The Corporation shall cause entries of the debenture stock from time to time issued by them to be made in a register, with the names and addresses of the holders and the amounts of their holdings :
- (4.) The register shall be accessible for inspection at all reasonable times to mortgagees and holders of debenture stock of the Corporation without charge :
- (5.) The Corporation shall deliver to each holder of debenture stock a certificate stating the amount held by him :
- (6.) Debenture stock shall entitle the holder to the rights and powers of a mortgagee of the Corporation other than the right to require payment of the nominal principal money represented by the debenture stock :
- (7.) The interest of debenture stock issued by the Corporation under this Act shall rank after the interest and principal of all mortgages on the fund account or rate on which the debenture stock is charged granted by the Corporation before and subsisting at the commencement of this Act, and shall rank equally with the interest but before the principal of all mortgages on the fund account or rate on which the debenture stock is charged granted by the Corporation under this Act.

Payment off
of mortgages
and debenture
stock by
instalments
or sinking
fund.

114. The Corporation shall pay off any money borrowed by them on mortgage or debenture stock under this Act, either by half-yearly or yearly instalments, or by means of a sinking fund appropriated for that purpose, and with the accumulations thereof (if any) from time to time applied for that purpose, as follows ; (that is to say,)

As regards any money borrowed for the purposes of this Act, as far as the same relate to the providing and erecting of a town hall, public library, and museums, before the expiration of ten years from the passing of this Act, within seventy years after the expiration of those ten years ; and,

As regards any money borrowed for those purposes after the expiration of those ten years, within seventy years after the same is borrowed ; and,

As regards any money borrowed for any other purpose of this Act, before the expiration of three years from the passing of this Act, within fifty years after the expiration of those three years ; and,

As regards any money borrowed as last aforesaid, after the expiration of those three years, within fifty years after the same is borrowed.

115. The town clerk shall, within twenty-one days after the expiration of each year in which any sum is required to be set apart for a sinking fund under this Act, transmit to the Local Government Board a return in a form prescribed by that board, and verified by statutory declaration if required by them, showing the amount invested for the purpose of that sinking fund in the year next preceding the making of the return, and the securities on which it has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period, and the total amount remaining invested at the end of the year; and if at any time the town clerk, without lawful excuse, proof whereof shall lie on him, fails to make the return required by this section, he shall be liable to a penalty not exceeding twenty pounds. If it appears to the Local Government Board, by that return or otherwise, that the Corporation have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised, the Local Government Board may, if they think fit, and after hearing the Corporation, by order direct that a sum not exceeding double the amount in respect of which default is made shall be set apart and invested as part of the sinking fund, and their order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the Court of Queen's Bench; and the provisions of this section shall be deemed applicable and shall be applied, as far as may be, to half-yearly or yearly instalments in lieu of a sinking fund.

A.D. 1874.
 Annual re-
 turn to Local
 Government
 Board with
 respect to
 sinking fund.

116. If the Corporation pay off any part of any money borrowed by them under this Act or under any former Act, and remaining unpaid at the commencement of this Act otherwise than by instalments or by means of a sinking fund, they may re-borrow the same and so from time to time: Provided always, that all moneys so re-borrowed shall be repaid within the same time as the moneys originally re-borrowed were required to be repaid.

Power to re-
 borrow.

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

Application
 of money
 borrowed.

118. A person lending money to the Corporation shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application or be

Protection of
 lenders from
 inquiry.

A.D. 1874. — answerable for any loss or non-application of the money lent or of any part thereof.

Saving for existing charges.

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

XX.—BYELAWS.

Application of byelaws to whole borough.

120. The Corporation may from time to time extend to the whole borough any byelaws made by them under the Sanitary Acts or otherwise before the commencement of this Act, but not in force in relation to the whole borough.

XXI.—ARBITRATION.

Settlement of disputes as to compensation, &c.

121. Where any compensation, damages, costs, charges, or expenses is or are by this Act directed to be paid, and the method of ascertaining the amount thereof is not provided for, such amount shall in case of dispute be ascertained and determined in manner provided by the Lands Clauses Consolidation Act, 1845, with reference to the purchase and taking of lands otherwise than by agreement.

XXII.—QUARTER SESSIONS.

Appeal in cases of summary conviction against orders of justices, &c.

122. If any person thinks himself aggrieved by any conviction, adjudication, order, or determination of justices under this Act, he may appeal to the next court of quarter sessions holden not less than twenty-one days after the day whereon such conviction, adjudication, order, or determination is made, subject and according to the following provisions; (that is to say,)

- (1.) Within seven days after the last-mentioned day and twelve clear days at least before such sessions the appellant may give notice in writing of the appeal and of the matter and ground thereof to the complainant or the party in whose favour the adjudication, order, or determination is made, or whose interest is immediately affected thereby (as the case may be):

- (2.) Within three days after giving such notice the appellant may enter into a recognizance with two sufficient sureties before a justice in such sum as the justice thinks fit, conditioned to try the appeal and abide the judgment of the court thereon and pay any costs awarded by the court, and in case he is in custody to appear personally at the sessions ; or
- (3.) Where the appeal is against a conviction imposing only a pecuniary penalty or against an adjudication for the payment of money, the appellant may deposit with the clerk of the justice before or by whom the conviction or adjudication is had or made, such sum of money as the justice thinks sufficient to cover the amount of the penalty or money adjudged to be paid, with the costs of the conviction or adjudication of the appeal :
- (4.) On such notice being given, and such recognizance being entered into, or such deposit being made, the appellant shall be liberated if in custody :
- (5.) The court of quarter sessions, on proof of such notice and recognizance or deposit, shall in a summary way hear and determine the appeal, or else shall (if they think fit) adjourn the hearing thereof to a subsequent session :
- (6.) The court, by their order on the appeal, may affirm or quash the conviction, adjudication, order, or determination appealed against, or may mitigate any forfeiture or penalty, or may order any money paid or levied to be returned, or may dismiss the appeal or make such other order therein, with or without costs to either party, as seems just, and may (if necessary) issue process for enforcing their judgment :
- (7.) Where any such deposit as aforesaid is made, and the conviction or adjudication is affirmed, or the appeal is dismissed, the court may order the amount of the penalty or other money adjudged to be paid, together with the costs of the conviction or adjudication, and of the appeal, to be paid out of the deposit, and the residue thereof, if any, to be returned to the appellant, and in any other case shall order the deposit to be returned to the appellant :
- (8.) Where on appeal a conviction is quashed, the proper officer shall forthwith endorse on the conviction a memorandum that it has been so quashed, and wherever any copy or certificate of such conviction is made a copy of the memorandum shall be added thereto, which shall be sufficient

A.D. 1874.

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evidence of the conviction having been quashed in all cases where a copy or certificate would be sufficient evidence of the conviction :

- (9.) It shall not be requisite for a company incorporated by special Act of Parliament, being an appellant, to enter into any recognizance or to make any deposit of money unless required so to do in writing under the hand of the town clerk, delivered or sent by post as herein-before provided :

The provisions of this section shall apply to the Corporation when they think themselves aggrieved by any conviction, adjudication, order, or determination, and shall apply to the Corporation when appellants, save only that it shall not be requisite for the Corporation to enter into any recognizance or make any deposit of money.

XXIII.—GENERAL.

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

123. Whenever by this or any other Act, or any byelaw 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 any Act or byelaw, or by any notice or order as aforesaid, prohibited being done and it nevertheless is done, the Corporation may remove, abate, or alter the work, act, or thing so done, and the expenses incurred by the Corporation in any such case or incidental thereto, with a commission at the rate of five per centum on the amount thereof in respect of surveying and superintendence, shall be repaid to them by the person making default in the execution or doing of, or improperly or insufficiently or unlawfully executing or doing such work, act, or thing, as the case may be, notwithstanding any penalty may be imposed upon such person by any Act or byelaw.

Power to enter and inspect.

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

being deemed trespassers or liable to any action, indictment, or other proceeding on account thereof. A.D. 1874.

125. In case the occupier of any building or lands prevents the owner thereof from carrying into effect in respect thereof any of the provisions of this Act or of any byelaw thereunder, then, after notice of this provision given by the owner to the occupier, any justice upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute all such works with respect to such building or lands as may be necessary for carrying into effect the provisions of this Act or of any such byelaw, and if, after the expiration of ten days from the service of such order, the occupier continues to refuse to permit the owner to execute any such work, he shall, for every day during which he so continues to refuse, be liable to a penalty not exceeding five pounds, and during the continuance of such refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Penalty on occupiers opposing execution of Act.

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

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

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

Power to keep materials, &c.

128. Except as by this Act provided, all the provisions of the Act of the session of the eleventh and twelfth years of Her Majesty (chapter forty-three) "to facilitate the performance of the duties of the justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and of any Act for the time being in force amending or substituted for the same, relating to proceedings for the recovery of penalties by summary conviction, and to appeals against such convictions, and the levying and enforcing of penalties, and all subsequent proceedings which may be taken on nonpayment thereof, or, in default of distress, including the commitment to prison of the defaulter, and enforcing payment of sums of money ordered or awarded to be paid by justices, and the costs of such proceedings, shall be applied and

Provisions of 11 & 12 Vict. c. 43. applicable to this Act.

A.D. 1874. — put in force for the purposes of proceedings for offences against this Act, and of all adjudications, orders, and determinations of justices under this Act.

Punishment
of abettors,
&c.

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

Penalties on
repetition of
offences.

130. Where by this Act any pecuniary penalty or other punishment is imposed in respect of any offence described in this Act, then and in every such case, if the nature of the case permits, and if an intention to the contrary does not appear in this Act, that penalty or punishment may be inflicted for every repetition of the offence, and upon more persons than one in respect of the same offence.

Proceedings
when offender
refuses to
state his
name.

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

Evidence of
previous
conviction.

132. The justice before whom any person is convicted of any offence, may transmit the conviction to the next court of quarter sessions, there to be kept by the proper officer among the records of the court, and on the prosecution of any person for any subsequent offence a copy of such conviction, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and such conviction shall be presumed not to have been quashed on appeal until the contrary is shown, and for purposes of this Act justices in the borough shall take judicial cognizance of entries in books kept in the borough of convictions and other matters relative to summary proceedings before justices under this Act.

Saving for
indictments,
&c.

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

134. With respect to distress, the following provisions shall have effect; (namely,) A.D. 1874.

Regulation as
to distress.

(1.) Any number of names and sums may be included in any warrant of distress obtained by the Corporation for any of the purposes of this Act, and may be stated either in the body of the warrant or in a schedule thereto, and any such distress may be for a balance remaining unpaid, or for an agreed instalment due :

(2.) Any justice who issues a warrant of distress may order that the costs of the proceedings for the recovery of the sum or sums for which the distress is ordered be paid by the person or persons liable to pay such sum or sums, and such costs shall be ascertained, and where there are more persons than one shall be apportioned by the justice, and shall be included in the warrant of distress for the recovery of such sum or sums :

(3.) Every constable shall, upon being required by any officer of the Corporation, aid in making a distress or sale pursuant to any such warrant, and in default of so doing shall be liable to a penalty not exceeding five pounds :

(4.) Any distress under this Act shall not be deemed unlawful nor shall the party making the same be deemed a trespasser on the ground of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall he be deemed a trespasser ab initio on account of any subsequent irregularity in the prosecuting of such distress.

135. Any number of names and sums may be included in any summons obtained by the Corporation for any of the purposes of this Act, and may be stated either in the body of the summons or in a schedule thereto, and any such summons may be for a balance remaining unpaid, or for an agreed instalment due. Contents of
summons.

136. The Corporation may direct any prosecution or proceeding against any person for any offence against this Act or any matter arising under this Act. Power to
order prose-
cutions, &c.

137. All penalties recovered summarily under this Act by the Corporation shall go to the district fund account, but nothing in this Act shall alter the application of penalties or forfeitures to the police superannuation fund as provided by the Act of the session of the twenty-second and twenty-third years of Her Majesty, chapter thirty-two, or of fines and penalties made payable to Her Majesty. Application
of penalties
in certain
cases.

A.D. 1874.

Proceedings
not to be
quashed for
want of form.

138. Any order, verdict, judgment, conviction, or any proceeding touching or concerning any offence against this Act, or against any byelaw thereunder, shall not be quashed or vacated for want of form only.

Validity of
warrants of
commitment.

139. A warrant of commitment on any conviction shall not be held void by reason of any defect therein if it is therein alleged that the person therein named has been convicted and there is a good conviction to sustain the same.

Justices, &c.
not disquali-
fied from
acting.

140. A person shall not be disqualified or disabled to act as justice of the peace, sheriff, deputy sheriff, under sheriff, coroner, juror, or otherwise in any matter arising under or in relation to this or any other Act by reason of his being a ratepayer in the borough or liable to any payment under this or any other Act, or a member of the council or of any committee thereof.

Delivery
of goods
charged to
have been
stolen or
fraudulently
obtained and
in custody of
constable.

141. If any goods or money charged to have been stolen or unlawfully obtained are or is in the custody of any constable by virtue of any warrant of a justice or in prosecution of any charge of felony or misdemeanor, and the person charged with having stolen or unlawfully obtained possession of the same is not found or is summarily convicted or discharged, or is tried and acquitted, or is tried and found guilty, but the property so in custody has not been included in any indictment, the following provisions shall apply thereto; (namely,)

- (1.) Any justice may make an order for the delivery of the property to the person appearing to be the rightful owner thereof :
- (2.) The order shall not be any bar to the right of any person to sue the person to whom the property is delivered, and to recover the same from him by proceedings at law, so that such proceedings be commenced within six months next after the order is made :
- (3.) In case the owner cannot be ascertained, any justice may order that the property be delivered to the treasurer :
- (4.) The treasurer may, after the expiration of twelve months during which no owner shows his title to the property, sell the goods, and place the proceeds thereof to the credit of the borough fund :
- (5.) If nevertheless the goods are of a perishable nature the sale may be effected immediately, and the proceeds thereof shall be carried to the credit of the borough fund after the expiration of the said period of twelve months.

142. The forms given in the third schedule to this Act may be used for or in respect of the purposes therein indicated, with such variations and additions as circumstances may require.

143. Notwithstanding any repeal or other thing in this Act contained—

- (1.) The Corporation shall continue and be seised, possessed of, and entitled to all rights, interests, and property of or to which they are at the commencement of this Act seised, possessed, or entitled as if this Act had not been passed ;
- (2.) All acts, works, matters, and things before the commencement of this Act done or commenced under the powers and authorities of the Acts by this Act wholly or partially repealed, or any of them, or under any other Act or authority, and which are at the commencement of this Act good, valid, and available or in progress, and all conveyances, leases, mortgages, bonds, covenants, deeds, instruments, contracts, agreements, obligations, rights, and remedies at the commencement of this Act existing under the same, shall be and continue as good, valid, and available for all purposes and for and against all parties, and may be continued and completed as if this Act had not been passed ;
- (3.) All actions, suits, prosecutions, or other proceedings by or against the Corporation by reason of any matter or thing done before the commencement of this Act in execution of or in relation to the said Acts, or any of them, may be continued, commenced, or prosecuted by or against the Corporation as if this Act had not been passed ;
- (4.) All mortgages and other securities granted under any Act repealed by this Act may be transferred as if this Act had not been passed, and the form of transfer given in the third schedule to this Act may be used for that purpose, with such variations as circumstances may require ;
- (5.) All rates, rents, and fees at the commencement of this Act due or accruing due to the Corporation or to the official referee under the Nottingham Inclosure Act, 1845, may from and after the commencement of this Act be collected and be recovered by or on behalf of the Corporation as if this Act had not been passed ;
- (6.) All books and documents shall be receivable in evidence as if this Act had not been passed ;

and any repeal by this Act of any enactment shall not affect the past operation of the enactment repealed, or any right, title, obli-

A.D. 1874.

Forms in
schedule
authorised.
Savings from
effect of
repeals, &c.

A.D. 1874. — gation, or liability acquired or accrued thereunder, before the commencement of this Act.

For the protection of the Nottingham Waterworks Company.

144. For the protection of the Nottingham Waterworks Company (in this section called the company) the following provisions shall have effect; namely,

The Corporation, before they exercise any of the powers of this Act which would involve any alteration or displacement of or interference with any mains, apparatus, or works of the company, or the service pipes of any consumer of the company, or diminish the amount of covering over the same respectively, shall give seven days notice in writing under the hand of the town clerk to the company of the power so to be exercised, and of the nature of the work to be done, together with a plan and section of such work; the company may, if they think fit, make any such alteration or displacement, and do all such other works in relation to the property of the company and the service pipes of such consumers, as may be in the judgment of the company or its proper officer rendered necessary by the exercise of such power, and all expense incurred by the company thereby or in relation thereto shall be paid by the Corporation:

If the company do not within seven days after receipt of such notice commence such alteration, displacement, or works, the Corporation may make or do the same in a manner to be approved by the engineer or other proper officer of the company as soon as may be after the company shall have received not less than forty-eight hours notice in writing of the intention for that purpose of the Corporation:

The Corporation shall not do any act whereby the flow of water through any of the mains, pipes, or apparatus of the company, or through any pipes or apparatus of such consumer, may be impeded, without the previous consent in writing of the company, and in such manner as the company shall approve, but subject in case of dispute to the determination of two justices as herein-after mentioned:

The Corporation shall make good all damage done by them to any property belonging to or under the control of the company, and shall make full compensation to the company and all parties for any injury, loss, or damage, immediate or consequential, which they respectively may sustain or be liable to or for by reason of the exercise of any of the powers of this Act, such compensation in case of dispute to be settled

by arbitration under and according to the provisions of the Lands Clauses Consolidation Act, 1845, for settling cases of disputed compensation ;

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If any dispute arise touching anything done, to be done, or not to be done under the provisions of this section, other than the settling of the amount of compensation, such question shall be determined by two justices, not being members of the council nor shareholders of the company, who may make such order in the matter as they think fit.

145. For the protection of the Nottingham Gaslight and Coke Company (in this section called the company) the following provisions shall have effect ; namely,

For the protection of the Nottingham Gaslight and Coke Company.

The Corporation, before they exercise any of the powers of this Act which would involve any alteration or displacement of or interference with any mains, apparatus, or works of the company, or the service pipes of any consumer of the company's gas, or diminish the amount of covering over the same respectively, shall give seven days notice in writing under the hand of the town clerk to the company of the power so to be exercised, and of the nature of the work to be done, together with a plan and section of such work ; the company may, if they think fit, make such alterations or displacement, and do all such other works in relation to the property of the company and the service pipes of such consumers, as may be in the judgment of the company or its proper officer rendered necessary by the exercise of such power, and all expense incurred by the company thereby or in relation thereto shall be paid by the Corporation :

If the company do not within seven days after receipt of such notice commence such alteration, displacement, or works, the Corporation may make or do the same in a manner to be approved by the engineer or other proper officer of the company as soon as may be after the company shall have received not less than forty-eight hours notice in writing for that purpose :

The Corporation shall not do any wilful or negligent act whereby the flow of gas through any of the mains, pipes, or apparatus of the company, or through any pipes or apparatus of such consumer, may be impeded, without the previous consent in writing of the company, and in such manner as the company shall approve :

The Corporation shall make good all damage done by them to any property belonging to or controlled by the company, and

A.D. 1874.

shall make full compensation to the company and all parties for any injury, loss, or damage, immediate or consequential, which they respectively may sustain or be liable for by reason of the exercise of any of the powers of this Act, such compensation in case of dispute to be settled by arbitration under and according to the provisions of the Lands Clauses Consolidation Act, 1845, for settling cases of disputed compensation :

If any dispute arise touching anything done, or to be done, or not to be done under the provisions of this section, other than the settling of the amount of compensation, such question shall be determined by two justices, who may make such order in the matter as they think fit.

Saving for
gas and water
companies.

146. Nothing in this Act shall take away, abridge, or prejudicially affect any right, privilege, power, or authority of the Nottingham Gaslight and Coke Company or of the Nottingham Waterworks Company.

Saving for
general
rights and
remedies of
Corporation.

147. Except as in this Act expressly provided, nothing in this Act shall take away, abridge, or prejudicially affect any right, power, authority, privilege, exemption, or benefit which the Corporation have or may enjoy under the Municipal Corporations Acts or the Sanitary Acts, or otherwise independently of this Act.

Copies of Act
with index to
be kept and
sold.

148. The Corporation shall cause copies of this Act, with an index to the contents thereof in each copy, to be printed, and at all times after the expiration of one month from the commencement of this Act shall cause a copy to be kept in the office of the town clerk open to inspection of any person on payment of a fee not exceeding one shilling, and copies to be sold at that office to all persons applying for the same at a price not exceeding two shillings and sixpence a copy, and if at any time the Corporation fail to comply with the requisitions of this section they shall be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding one pound for every day during which such failure continues after the expiration of forty-eight hours from notice thereof given to them, and the provisions of this section shall be deemed to be in lieu of all provisions incorporated in this Act providing for access to the special Act.

Expenses of
Act.

149. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for, and the obtaining and passing of this Act, shall be paid by the Corporation out of the borough fund and borough rates, or money borrowed on security thereof.

SCHEDULES.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

43 Geo. 3. c. 45.—An Act for the more effectually preserving the peace and securing the freedom of election in the town of Nottingham and county of the said town.

6 & 7 Vict. c. ii.—An Act for lighting the streets and public roads within the town and county of the town of Nottingham.

8 & 9 Vict. c. vii.—An Act for inclosing lands in the parish of Saint Mary, in the town and county of the town of Nottingham, in part; (that is to say,)

Sections one hundred and eighteen to one hundred and twenty-one, one hundred and twenty-three to one hundred and twenty-six, one hundred and twenty-eight, one hundred and thirty, one hundred and thirty-two to one hundred and thirty-four, one hundred and thirty-six, and one hundred and thirty-seven (all inclusive) relating to roads, buildings, sewers, paving causeways, dwelling-houses, underground cellars, drainage, cesspools, privies, furnaces, noxious trades, and other things :

Sections one hundred and forty to one hundred and forty-three (both inclusive) relating to an official referee and his duties :

Sections one hundred and forty-four to one hundred and fifty-one (both inclusive) relating to new buildings.

THE SECOND SCHEDULE.

TOLLS FOR MARKETS AND FAIRS.

TOLLS TO BE TAKEN IN THE CATTLE AND HIDE MARKET.

Auctions.

	<i>s.</i>	<i>d.</i>
For each horse, foal, pony, bull, bullock, cow, sheep, or other beast or animal offered for sale by auction, not exceeding - - -	1	0

Other Sales.

For every stallion or entire horse - - - - -	1	0
For every other horse, foal, or pony, not exceeding - - -	0	4

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	s.	d.
For each ass or mule, not exceeding - - - - -	0	2
For each bull, bullock, cow, steer, or heifer, not exceeding - - - - -	1	0
For each calf, not exceeding - - - - -	0	2
For sheep, rams, lambs, or goats, hides or skins, not exceeding per score - - - - -	2	0
For each sheep, ram, lamb, or goat, hide or skin, under a score, not exceeding - - - - -	0	2
For each pig - - - - -	0	2
And for every other animal not before named in this schedule brought into the market or fairs for sale or show, not exceeding - - - - -	1	0

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 or fairs, whether for sale or not.

TOLLS TO BE TAKEN IN THE OPEN MARKET.

For the Meat Market.

For every butcher's stall, the size and space of which shall be in the discretion of the Corporation, for each day, such sum as the Corporation shall fix.

For the Fish Market.

For every fish stall, the size and space of which shall be in the discretion of the Corporation, for each day, such sum as the Corporation think fit.

For the Poultry, Butter, and Eggs Market.

For every yard in length of bench or table room for the exposing for sale poultry, pork, butter, eggs, or other articles of provisions commonly sold in poultry markets, for each day, not exceeding - - - - -	0	8
For every hand basket, hamper, or other basket or thing, for every foot in length, for each day, not exceeding - - - - -	0	2

For the Vegetable and Fruit Market.

For every yard in length of any stall for exposing for sale vegetables and fruit, for each day, not exceeding - - - - -	0	6
For every hand basket, hamper, or other basket or thing containing vegetables or fruit, for every foot in length, for each day, not exceeding - - - - -	0	2
For every sack or bag of vegetables or fruit placed in the market, or at any place adjacent thereto, for each day, not exceeding - - - - -	0	2
For every superficial foot of ground used or occupied by persons offering for sale or selling cabbage or other plants, trees, or shrubs, or for any other purpose not herein-before provided for, for any space of time not exceeding one day, any sum not exceeding - - - - -	0	2

For the General Market.

s. d. A.D. 1874.
—

For each and every superficial foot of every stall for exposing for sale any manufactured goods, wares, or merchandise, for any space of time not exceeding one day, any sum not exceeding - - 0 4

For Places of Amusement.

For every show, caravan, exhibition, booth, tent, or theatre, such sum as the Corporation fix.

The Weighing and Measuring Tolls.

For every quantity of meat or thing weighed not exceeding 20 pounds avoirdupois, not exceeding - - - - - 0 0½
 For every quantity of meat or thing weighing more than 20 pounds avoirdupois, and not exceeding 112 pounds, not exceeding - - 0 1
 And for every 112 pounds or fractional part of 112 pounds over and above the first 112 pounds, not exceeding - - - - - 0 1
 For every quantity of goods and things sold by measure, measuring not exceeding one bushel, any sum not exceeding - - - - - 0 0½
 For every quantity more than one bushel and not exceeding two bushels, not exceeding - - - - - 0 1
 And for every bushel or fractional part of a bushel beyond two bushels, not exceeding - - - - - 0 0½

Tolls for weighing Waggon, Carts, and Carriages.

For every waggon or other four-wheeled carriage with the loading thereof, not exceeding - - - - - 0 6
 For every cart or other two-wheeled carriage with the loading thereof, not exceeding - - - - - 0 3

THE THIRD SCHEDULE.

FORMS.

No. 1.

FORM OF NOTICE FOR EXECUTION OF WORKS, &c.

The Nottingham Improvement Act, 1874.

The Corporation of the borough of Nottingham hereby give you notice that you are ordered and required on or before the _____ day of _____, 18____, * to execute and do the works and things hereunder specified.

Dated this _____ day of _____ 18____.

[_____] Borough Engineer.

To X.Y. of _____

[Here specify the works, &c. required.]

* Insert here, where the nature of the notice so requires, not later than the hour of _____ o'clock in the _____ noon.

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No. 2.

FORM OF NOTICE OF INTENTION OF CORPORATION TO EXECUTE
WORKS, &c.

The Nottingham Improvement Act, 1874.

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

Dated this day of 18 .
[] Borough Engineer.

To X.Y. of

[*Here specify the works, &c. intended.*]

No. 3.

FORM OF WARRANT OF AUTHORITY FROM JUSTICE.

The Nottingham Improvement Act, 1874.

I A.B., Esquire, one of Her Majesty's justices of the peace for the borough of Nottingham, hereby authorise you [*here specify the act authorised*], for doing which this shall be your warrant.

Dated this day of 18 .
[C.D.]

To L.M. [constable, &c.]

No. 4.

FORM OF AUTHORITY FROM CORPORATION.

The Nottingham Improvement Act, 1874.

The Corporation of the borough of Nottingham hereby authorise you
[*here specify the act authorised.*]

Dated this day of 18 .
Town Clerk.

To L.M. [constable, &c.]

No. 5.

FORM OF MORTGAGE.

The Nottingham Improvement Act, 1874.

Mortgage No. . £

By virtue of the above-mentioned Act the mayor, aldermen, and burgesses of the borough of Nottingham, in consideration of pounds paid to them by A.B. of , grant to him, his executors, administrators, and assigns, the fund of the borough, to hold until the said sum of be repaid to him or them, with interest, at the yearly rate of in the hundred, by equal half-yearly payments on the day of ,

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and the _____ day of _____ in every year from the day of the date A.D. 1874.
hereof.

Given under the seal of the mayor, aldermen, and burgesses, this _____ day
of _____ one thousand eight hundred and _____

No. 6.

FORM OF TRANSFER OF MORTGAGE.

The Nottingham Improvement Act, 1874.

I *A.B.* of _____, in consideration of _____ pounds
paid to me by *C.D.* of _____, transfer to him, his executors,
administrators, and assigns, the mortgage No. _____ of the
fund of the borough of Nottingham, for _____ pounds and interest
at the yearly rate of _____ in the hundred, granted on the
day of _____ by the mayor, aldermen, and burgesses of that borough
[or if the transfer be by indorsement, the within written security], and all my
right and interest in and under the same.

As witness my hand and seal, this _____ day of _____ one
thousand eight hundred and _____