



CHAPTER cxlvii.

An Act to alter and extend the borough of Oldham, to confer upon the Corporation further powers in relation to their Water and Gas undertakings, and for improving the Local Government of the borough; to amend the Acts relating to the borough; and for other purposes.

A.D. 1880.

[6th August 1880.]

WHEREAS the borough of Oldham, in the county of Lancaster, is a municipal borough under the government of the Corporation of the borough, and is subject to the Acts relating to municipal corporations:

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

And whereas by the Oldham Borough Improvement Act, 1865, (in this Act called "the Act of 1865"), the Local Act of the 7th year of King George the 4th, chapter 117, relating to the borough of Oldham, in the county of Lancaster, was repealed, and it was declared that certain parts of the Public Health Act, 1848, the Local Government Act, 1858, and the Local Government Act, 1858 (Amendment Act, 1861), which parts had been adopted in and applied to the borough should cease to apply to the borough, and provision was made in relation to the improvements of streets in the borough, and to police and other matters of local government, and to water and gas supply, and other matters affecting the borough:

28 & 29 Vict.
c. cccxi.

11 & 12 Vict.
c. 63.
21 & 22 Vict.
c. 98.
24 & 25 Vict.
c. 61.

And whereas the following Local Acts and Order (which with the Act of 1865 are in this Act referred to collectively as "the recited Acts") are also in force wholly or in part within or in relation to the borough; that is to say,

6 Geo. 4. chapter 171;

1 and 2 Vict. chapter 96;

[*Local.-147.*]

[Ch. cxlvii.] *Oldham Improvement Act*, 1880. [43 & 44 VICT.]

A.D. 1880. The Oldham Corporation Gas and Water Act, 1853 (16 Vict. chapter 42) ;

 The Oldham Corporation Gas and Water Act, 1855 (18 Vict. chapter 47) ;

 The Oldham Corporation Waterworks, &c., Act, 1870 (in this Act called "the Act of 1870") (33 & 34 Vict. chapter 144) ;

 The Oldham Corporation Water Act, 1875 (in this Act called "the Act of 1875") (38 and 39 Vict. chapter 180) ;

41 & 42 Vict.
c. cxliii. And the Oldham Borough Tramways Order, 1878, confirmed by the Tramways Orders Confirmation Act, 1878 (No. 2) (in this Act called "the Order of 1878") :

And whereas it is expedient that the borough be extended so as to include the parts in this Act in that behalf described of the parish of Ashton-under-Lyne, and of the township of Chadderton (including Chadderton detached), in the parish of Prestwich-cum-Oldham, in the county of Lancaster, and that the small outlying portion of the borough also in this Act described be severed from the borough and annexed to the said township of Chadderton :

And whereas it is expedient that the Corporation be authorised to enlarge the town hall, and to acquire lands for that purpose :

And whereas it is expedient that the Corporation be authorised to construct the additional waterworks in this Act described, and to purchase additional lands for purposes of their water undertaking :

42 & 43 Vict.
c. lxxxvi. And whereas the limits within which the Corporation are now authorised to supply water and gas include places beyond the borough, and amongst others the township, as existing previously to the Order next herein-after mentioned, of Royton, in the parish of Prestwich-cum-Oldham, and it is expedient that the said limits of supply be enlarged so as to include the area added to the borough by this Act, and the whole of the district of the Royton Local Board as extended by an Order of the Local Government Board (in this Act referred to as "the Royton Order"), confirmed by the Local Government Board's Provisional Orders Confirmation (Castleton-by-Rochdale, &c.) Act, 1879 :

And whereas it is expedient that the rates for water supplied by the Corporation beyond the limits of the borough be increased :

And whereas it is expedient that further powers be conferred upon the Corporation with reference to their water and gas undertakings, and that they be empowered to establish reserve funds in connexion with those undertakings :

And whereas it is expedient that such powers as are herein-after contained be conferred upon the Corporation with respect to the supply of light, heat, and motive power by electricity or other artificial means : A.D. 1880.
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And whereas it is expedient that the Corporation be empowered to extend their cemetery at Chadderton by adding thereto lands now belonging to them :

And whereas the Corporation have acquired lands within the borough for the purpose of constructing and preventing the pollution of reservoirs, and for other purposes connected with their water undertaking, and those lands might with advantage be appropriated for recreation grounds and other public objects, and it is expedient that powers in that behalf be conferred upon the Corporation :

And whereas it is expedient that in the events and subject to the conditions herein-after expressed the use of steam or any mechanical power on the tramways of the Corporation be authorised :

And whereas it is expedient that the Corporation be empowered to make and maintain the streets and street improvements in this Act described, and that further powers be conferred upon them in relation to street improvements and buildings within the borough :

And whereas there is in the borough a road called Shaw Road, which was constructed in or about the year 1837, and has been ever since maintained by Joshua Milne Cheetham, William Taylor, and Charles Edward Lees, and their predecessors in title, and on which tolls have been and are now taken by them, and by the Act of 1865 (section 27) the Corporation were empowered to purchase and take by compulsion, within five years from the 8th day of November 1865, all private rights of way, and other rights in, over, or affecting Shaw Road, and all rights of levying tolls in respect of traffic thereon, and the interests of all persons in any tolls so levied, and all gates, bars, posts, buildings, and erections in, on, or over any part of the carriageway or footway of Shaw Road ; but the Corporation did not exercise that power, and a transfer of Shaw Road to them without compulsion has been lately agreed on for the sum of £6,000, to be paid by the Corporation out of the borough fund or borough rate, or out of moneys which they are by this Act authorised to borrow for the purpose, as the consideration money for the transfer, and it is expedient that the same be carried into effect :

And whereas it is expedient that the recited Acts be amended in divers particulars, and that further powers be conferred upon the

A.D. 1880. Corporation for the better government of the borough, and for improving its sanitary condition :

And whereas it is expedient to authorise the Corporation to create debenture stock, and to raise money for the purposes in this Act mentioned, and that further provision be made with reference to the borrowing powers and securities of the Corporation, and the repayment of borrowed moneys :

And whereas estimates have been prepared for the purchase of land for and the execution of the works, and for other the purposes by this Act authorised, and such estimates are as follows ; (that is to say,)

	£
For the enlargement of the town hall - -	30,000
For waterworks - - - -	100,000
For providing electric and other lighting, heating, and motive power - - -	5,000
For street improvements, new streets, and buildings, and purchase of tolls on Shaw Road - - - -	50,000
For private street improvements and works -	50,000
For sewers, sewage, and nightsoil works -	100,000
For public slaughter-houses - - -	10,000
For markets - - - -	10,000
For the extension of Chadderton cemetery -	5,000
For reference and free libraries and museum of arts and sciences - - - -	10,000

38 & 39 Vict. c. 55. And whereas the several works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act, 1875 :

And whereas an absolute majority of the whole number of the council of the borough, at a meeting held on the 26th day of November 1879, after ten clear days' notice by public advertisement of such meeting, and of the purposes thereof, in the "Oldham Evening Express," a local newspaper published and circulated 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 whereas such resolution was published twice in the said "Oldham Evening Express," and has received the approval of the Local Government Board in respect of matters within the jurisdiction of that Board, and the approval of one of Her Majesty's Principal Secretaries of State in respect of other matters :

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 eighteenth day of February 1880, being not less than fourteen days after the deposit of the Bill in Parliament : A.D. 1880.
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And whereas the owners and ratepayers of the borough by resolution in the manner provided in Schedule III. of the Public Health Act, 1875, consented to the promotion of the Bill for this Act :

And whereas plans and sections of the works authorised by this Act, and plans showing the lands to be purchased compulsorily under the powers of this Act, and books of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of such lands, have been deposited with the respective clerks of the peace for the county of Lancaster, and for the West Riding of the county of York, and are in this Act referred to as the deposited plans, sections, and book of reference :

And whereas the objects of this Act 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,)

PRELIMINARY.

1. This Act may be cited as the *Oldham Improvement Act*, Short title. 1880.

2. This Act and the recited Acts, so far as the last-mentioned Acts respectively are now unrepealed and in force, and are not varied by any subsequent Act or this Act, shall be read and construed together as one Act. Construction
of Act.

3. For the purposes of proceedings preliminary to the municipal elections of November one thousand eight hundred and eighty, and for the purposes of Part XVII. (Financial) of this Act, this Act shall take effect on its passing, and for all other purposes, this Act shall commence and take effect from and immediately after the eighth day of November one thousand eight hundred and eighty (which last-mentioned time is in this Act referred to as "the commencement of this Act"). Commence-
ment of Act.

A.D. 1880.

Interpreta-
tion of terms.

4. In this Act—

“The existing borough” and “the existing sanitary district” mean respectively the borough and the urban sanitary district of Oldham as existing at the passing of this Act:

“Saint Peter’s Ward,” “Werneth Ward,” and “Westwood Ward” mean respectively the Saint Peter’s Ward, the Werneth Ward, and the Westwood Ward as existing at the passing of this Act:

“The added area” means those parts of the parish of Ashton-under-Lyne and of the township of Chadderton (including Chadderton detached) which are added to the existing borough by this Act:

“The severed area” means the part of the existing borough which is by this Act severed from the existing borough and added to the township of Chadderton:

“The borough” and “the sanitary district” mean respectively the municipal borough and the sanitary district of Oldham as altered and extended by this Act:

“The Corporation” means the mayor, aldermen, and burgesses of the borough:

“The council” means the council of the borough:

“The town clerk,” “the treasurer,” “the surveyor,” “the medical officer of health,” and “the inspector of nuisances” mean respectively the town clerk, the treasurer, the surveyor, the medical officer of health, and the inspector of nuisances of the borough:

“The borough fund” and “the borough rate” mean respectively the borough fund and the borough rate of the borough:

“The district fund” and “the general district rates” mean respectively the district fund and general district rates for the district of the borough:

“The Municipal Corporations Acts” means the Act of the session of the fifth and sixth years of the reign of King William the Fourth, intituled “An Act 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 and Wales:

“The Public Health Acts” means the Public Health Act, 1875, and all Acts for the time being in force amending or extending the same:

Terms to which meanings are assigned in enactments wholly or partially incorporated with any part of this Act, or which have

5 & 6 Will. 4.
c. 76.

therein special meanings, have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such construction, and in this Act and for the purposes of this Act (in enactments incorporated with any Part of this Act), the terms "superior courts" or "court of competent jurisdiction," or any other like term, shall have effect as if the debt or demand with respect to which it is used were a common simple contract debt, and not a debt or demand created by statute.

A.D. 1880.

5. Subject to the provisions of this Act, this Act shall be carried into execution by the Corporation acting by the council and according to the Municipal Corporation Acts, the Public Health Acts, and other Acts respectively for the time being affecting the Corporation as a municipal body and as a sanitary authority respectively, and with all the rights, powers, privileges, exemptions, and authorities conferred by those Acts respectively on the Corporation, or on the council and committees of the council and the officers, agents, and servants of the Corporation, with respect to matters provided for by or comprised in the Municipal Corporation Acts, the Public Health Acts, and other Acts respectively, and as nearly as may be in all respects as if the powers, duties, exemptions, and property vested in, imposed on, or enjoyed by them by or under this Act were vested in, imposed on, or enjoyed by them by or under the Municipal Corporation Acts, the Public Health Acts, and other Acts respectively.

Act to be executed by council.

PART. I.—ALTERATION AND EXTENSION OF THE BOROUGH.

6. On and after the commencement of this Act, and subject to the provisions thereof, those parts of the parish of Ashton-under-Lyne and of the township of Chadderton (including Chadderton detached) which are described in the First Part of the First Schedule to this Act shall be added to the existing borough and the existing sanitary district and to the township of Oldham, and be included within and form part of the borough and sanitary district and of the said township of Oldham for all purposes whatsoever, including the levying of poor and other rates, and shall for all purposes, including the levying of rates, cease to be included in or to form part of any urban or rural sanitary district other than the sanitary district of the Corporation.

Extension of borough.

7. The added area shall be distributed among and added to the respective wards of the existing borough as follows; (that is to say,) there shall be added to Saint Peter's Ward the part of the parish of Ashton-under-Lyne which is included within the added area, and there shall be added to Werneth Ward so much of the part included

Added area annexed to borough wards.

A.D. 1880. — within the added area of the township of Chadderton as is in the First Part of the First Schedule to this Act described under the letters (B.) and (C.), and there shall be added to Westwood Ward so much of the part included within the added area of the said township of Chadderton as is in the said First Part of the First Schedule described under the letters (D.) and (E.)

Part of existing borough severed from it, and annexed to Chadderton township.

8. On and after the commencement of this Act the severed area described in the Second Part of the First Schedule to this Act shall cease to form part of the borough and of the sanitary district and of the township of Oldham, and shall be added to and form part of the township of Chadderton, in the parish of Prestwich-cum-Oldham, in the county of Lancaster, and for purposes of poor and other rating, and all other purposes, shall form part of the township of Chadderton and part of the district of the Chadderton Local Board.

Severed area exempted from borough rate, &c.

9. On and after the commencement of this Act the borough rate and the general district rate, and all other rates which the Corporation are under the Municipal Corporation Acts, or the Public Health Acts or the recited Acts or any other Act of Parliament, authorised to order, make, or levy, and the poor rates which the churchwardens and overseers of the poor of the township of Oldham are authorised to make or levy, shall cease to be levied within the severed area, but this provision shall not exempt any person from the payment of any rate assessed and payable before the commencement of this Act, but all such rates assessed and payable before that date shall be paid and recovered as if this Act were not passed.

Corporation powers as to water and gas within severed area to continue.

10. Nothing in this Act shall affect or limit the rights or powers of the Corporation with respect to the supply of water and gas, and the demanding, levying, and recovery of rates and rents for the same within the severed area, and all the powers and provisions now in force of the recited Acts with reference to the supply of water and gas shall continue in force within the severed area.

Provisions for the protection of the Local Board of Chadderton.

11. For the protection of the local board for the district of Chadderton, in the county of Lancaster (in this section called "the local board"), the following provisions shall have effect—

(A.) The Corporation shall make to the local board full compensation for all loss of rates which the local board may sustain by reason of that part of the severed area which is by this Act annexed to the district of the local board being of less rateable value than that part of the added area which is severed from that district, the present

rateable value alone in each case being for this purpose taken into account, the amount of such compensation to be agreed upon between the Corporation and the local board or, failing agreement, to be ascertained and determined by the Local Government Board on the application of the local board or the Corporation, and in all respects at the costs of the Corporation ;

Such compensation to be paid by the Corporation out of the borough fund :

(B.) On or before the commencement of this Act the Corporation shall pay to the local board the sum of three hundred and fifty pounds as and by way of compensation for the lands belonging or reputed to belong to the local board forming part of that portion of the added area which is described under the letter (E.) in the First Part of the First Schedule to this Act, and on such payment being made the said lands shall be by this Act absolutely vested in the Corporation for all the estate and interest of the local board therein :

(c.) Except as is by this Act otherwise expressly provided nothing in this Act contained shall take away, lessen, prejudice, alter, or affect any of the estates, rights, powers, privileges, or authorities of the local board.

12. Nothing in this Act shall extend, limit, alter, or affect the parliamentary boundaries of the borough of Oldham.

Limits of parliamentary borough not affected.
Deposit of borough plan.

13. A plan of the borough as altered and extended by this Act, and showing the different wards, shall, within two weeks after the passing of this Act, be deposited with the town clerk at his office.

14. Any copy of the said plan deposited with the town clerk, certified by him to be a true copy, or any extract therefrom, certified by him to be true, shall be received in all courts of justice or elsewhere as *prima facie* evidence of the contents of such plan, and such plan shall at all reasonable times be open to the inspection of the persons liable to rates imposed by the Corporation, and all persons so liable shall be entitled to a copy of or extract from such plan certified by the town clerk on payment of a reasonable fee for every such copy or extract.

Copies of deposited borough plan to be evidence.

15. Subject to the provisions of this Act, the powers, rights, privileges, authorities, and duties of the Corporation as a municipal body under the Municipal Corporation Acts, and all Acts and laws for the time being in force affecting the Corporation as a municipal body, and of the Corporation acting in the execution of such of

Authority of Corporation, &c. extended.

A.D. 1880. — the provisions of the recited Acts or of such other Acts as are at the commencement of this Act in force within the existing borough, and of the Corporation acting by the council as the sanitary authority for the existing sanitary district, and of all officers and servants of the Corporation, shall extend to and throughout the borough and the sanitary district; and subject to the provisions of this Act all enactments, byelaws, regulations, and orders immediately before the commencement of this Act in force within or applicable to the existing borough and existing sanitary district shall (subject to any future repeal or amendment of the same) extend and apply to the borough and the sanitary district.

Town clerk and other officers continued.

16. The town clerk and all other officers and servants of the Corporation, whether as the municipal corporation or as the sanitary authority, shall continue to be town clerk, officers, and servants of the Corporation, and shall hold their offices and situations by the same tenure as at the commencement of this Act.

Jurisdiction &c. of Mayor &c. extended.

17. The jurisdiction, powers, authorities, rights, privileges, and duties of the mayor or any other justice of the peace for the existing borough shall extend to and throughout the borough for all purposes.

Power of Corporation to levy rates.

18. Subject to the provisions of this Act, all borough, general, district, and other rates which the Corporation are under the Municipal Corporation Acts or the Public Health Acts or any other Act of Parliament authorised to order, make, or levy, and which but for the passing of this Act would be made, raised, and levied throughout the existing borough, shall and may from and after the commencement of this Act be made, raised, and levied respectively by the Corporation throughout the borough.

Added area exempt from highway and other rates.

19. On and after the commencement of this Act all lands, houses, tenements, and hereditaments within the added area, and all persons in respect of the same, shall be exempt from—

(A.) All highway rates to be made in respect of any parish or township :

(B.) All rates to be made by or for the purposes of the urban or rural sanitary authority of such added area or of any part of such added area :

(C.) All liability to county rates or other rates leviable by the justices of the peace of and for the county of Lancaster, except only to the extent and for the purposes to and for which the existing borough is liable to such rates at the passing of this Act :

Provided that the aforesaid exemptions shall not exempt any person from the payment of any rate assessed and payable before

the commencement of this Act, but all such rates assessed and payable before that date shall be paid and recovered as if this Act were not passed. A.D. 1880.
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20. For the purposes of the Elementary Education Act, 1870, and any Act amending the same, the members of the school board for the existing borough, who shall be in office at the date of the commencement of this Act, shall be deemed to have been elected for the borough, and subject to the provisions of the Elementary Education Act, 1870, and any Act amending the same, that board shall be the school board of the borough, and all byelaws and orders of the school board made before the passing of this Act shall apply to the borough. Extension of
School Board
district.
33 & 34 Vict.
c. 75.

PART II.—ENLARGEMENT OF TOWN HALL.

21. Subject to the provisions of this Act, the Corporation may, upon the lands in that behalf delineated on the deposited plans and described in the deposited books of reference, enlarge and improve the town hall in such manner as they shall think fit, and when and so soon as the Corporation shall have purchased or acquired the lands and houses abutting upon each side of Mill Street, which is shown on the said plans as intended to be stopped up, they may stop up the same street, and thereupon the site and soil thereof is by this Act vested in the Corporation, freed and discharged from all public or other rights of way, or other rights in, over, or affecting the same. Power to
enlarge town
hall.

PART III.—WATER AND GAS.

22. Subject to the provisions of this part of this Act, the Waterworks Clauses Acts, 1847 (except sections 75 to 83, both inclusive, of that Act) and 1863, and the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, and the Gasworks Clauses Act, 1847 (except sections 30 to 38, both inclusive, of that Act), are (except so far as such Acts are respectively expressly varied by this Act) incorporated with and form part of this part of this Act, and the provisions herewith incorporated of the Railways Clauses Consolidation Act, 1845, shall be read so as to apply, but shall apply only to the construction of the reservoirs by this part of this Act authorised, and the works immediately connected therewith, and each and every of them, as if such works were therein referred to instead of the railway, and the respective boundaries of the said works were therein mentioned instead of the centre of the railway, and the prescribed limits shall be two Incorporation of
general Acts.
10 & 11 Vict.
c. 17.
26 & 27 Vict.
c. 93.
8 & 9 Vict.
c. 20.

10 & 11 Vict.
c. 15.

A.D. 1880. — hundred yards from every or any part of the respective works :
 Provided always, that the incorporated provisions of the last-
 mentioned Act shall not extend or apply to any lands, works,
 or private road, or other property from time to time belonging to
 34 & 35 Vict. or used or occupied by any railway or canal company. The Gas-
 c. 41. works Clauses Act, 1871 (except the provisions thereof with
 respect to accounts, and any other provisions thereof which may
 be inconsistent with provisions now in force of the recited Acts,
 or any of them), shall apply to the gas undertaking of the Corpora-
 tion as if the same had been authorised by this Act, and for the
 purposes of that Act the recited Acts and this Act shall be deemed
 to be and to be included in the term "the special Act."

Extension of
 limits of
 gas and
 water supply.

23. The limits within which the Corporation may supply water
 and gas are hereby extended so as to include (A.) such parts of the
 added area as are not already within the existing limits of water
 and gas supply, and (B.) the whole of the district of the local
 board for the district of Royton, in the county of Lancaster, as
 extended by the Royton Order, and within those extended limits
 the Corporation shall have, and may exercise, all such rights,
 powers, and privileges with respect to waterworks or gasworks, as
 the case may be, and the supply of water or gas, as the case may
 be, as by the recited Acts and this Act they have or may exercise
 within their existing limits for the supply of water or gas, as the
 case may be, and subject to other provisions of this Act, may
 demand, take, and recover rates, rents, and charges for the supply
 of water and gas accordingly.

Power to
 make water-
 works, &c.

24. Subject to the provisions of this Act, the Corporation may
 make and maintain, in the lines or situations, and according to
 the levels shown on the deposited plans and sections, the works
 herein-after described, with all proper approaches, embankments,
 works, and conveniences connected therewith respectively, and
 may take, use, get, and appropriate for the purposes of their water-
 works, by this Act authorised, all brooks, springs, streams, and
 waters which they are authorised to take, use, get, or appropriate for
 the purposes of their existing or authorised waterworks, or which
 are intercepted by the works by this part of this Act authorised,
 and may stop up all roads and ways within the limits of deviation
 defined on the deposited plans which are shown thereon as intended
 to be stopped up, and may appropriate, for purposes of this Act,
 the sites of the roads and ways so stopped up, so far as the same
 are bounded on both sides by lands of the Corporation. The works
 herein-before referred to and authorised by this part of this Act
 will be situate in the township of Oldham, in the parish of Prest-
 wich-cum-Oldham, in the county of Lancaster, and in the township

of Saddleworth, in the parish of Rochdale, in the West Riding of the county of York, and are— A.D. 1880.

- (A.) A reservoir to be formed by the construction of an embankment across the river Medlock, at a point about $4\frac{1}{2}$ chains south-west from the south-westernmost corner of the farmhouse known as Middle Slack Farmhouse, the said reservoir thence to extend up the river Medlock for a distance (measuring in a direct line) of about $7\frac{1}{2}$ chains :
- (B.) A reservoir or settling pool to be formed by the construction of an embankment across the Cabin Brook, at a point about 8 chains north-eastward from the north-westernmost corner of the Strinesdale Upper Reservoir of the Corporation, the said reservoir or settling pool to extend up the said brook to a point distant about 4 chains (measured in a direct line) north-eastwardly from the point at which the said embankment will cross the Cabin Brook aforesaid :
- (C.) A reservoir or settling pool, to be formed by the construction of an embankment across the Roebuck Low Brook at a point about $3\frac{1}{2}$ chains eastwardly from the easternmost corner of the Strinesdale Upper Reservoir aforesaid, the said reservoir or settling pool to extend up the said brook to a point distant about 6 chains (measured in a direct line) eastwardly from the point at which the last-mentioned embankment will cross the Roebuck Low Brook aforesaid :
- (D.) Filter beds to be situate within an area measuring about 3 chains from north-east to south-west and about 3 chains from north-west to south-east, the south-westernmost corner of the said filter beds to be at the distance of about $1\frac{1}{2}$ chains north from the north-westernmost corner of Strinesdale Upper Reservoir aforesaid :
- (E.) A conduit or line of pipes commencing in and at the south-western corner of the reservoir (A.) above described, and terminating in Ripponden Road, or at or near the junction therewith of Sholver Lane :
- (F.) A conduit or line of pipes commencing at the westernmost corner of the reservoir or settling pool (B.) above described, and terminating at the filter beds (D.) above described :
- (G.) A conduit or line of pipes commencing in and at the westernmost corner of the reservoir or settling pool (C.) above described, and terminating in the filter beds (D.) above described.

[Ch. cxlvii.] *Oldham Improvement Act*, 1880. [43 & 44 VICT.]

A.D. 1880.

Saving
existing
rights as to
water.

25. Provided always, that nothing in this Act shall authorise or empower the Corporation to take, divert, or impound, by means of any works by this Act authorised, any waters of any stream or river which they are not by the recited Acts authorised to take, divert, or impound, or shall diminish, alter, prejudice, or affect the rights of any corporation, company, person or persons to any compensation water to which they or he are or is now entitled.

Provisions as
to pollution
of water.

26. For the prevention of the pollution of reservoirs, streams, watercourses, and waters over which (for the purpose of affording a supply of water for domestic purposes) the Corporation for the time being have any powers of user, or in which for the same purpose they are for the time being interested, they shall have, and may, if they think fit, from time to time exercise such and the like powers as may for the time being be exercised by any sanitary authority under any public enactment for the prevention of the pollution of any watercourse or water within their jurisdiction, and the provisions of such enactment shall for the purpose aforesaid extend and apply mutatis mutandis to the Corporation.

Application
of section 14
of
38 & 39 Vict.
c. clxxx.

27. The provisions of section 14 of the Act of 1875 shall apply with reference to the waterworks by this Act authorised, as if the last-mentioned works had been authorised by or previously to the Act of 1875.

Power of
Corporation
to hold
certain lands
and buildings
confirmed.

28. The Corporation may hold the lands and buildings in the division of Friar Mere, in the township of Saddleworth, in that part of the parish of Rochdale, in the West Riding of the county of York, commonly called and known by the name of the Longroad Mill, which the Corporation have purchased or acquired, and may use the said lands and buildings for purposes connected with their water undertaking, or for such other purposes as the Corporation think fit.

Repeal of
section 107 of
28 & 29 Vict.
c. ccxi. and
section 35 of
33 & 34 Vict.
c. cxliv.

29. On and from the commencement of this Act section 107 of the Act of 1865 and section 35 of the Act of 1870 are by this Act repealed, but notwithstanding such repeal all water rents due to the Corporation at the commencement of this Act shall be paid to and may be recovered by the Corporation as if this Act had not passed.

Water rents
for domestic
purposes.

30. On and after the commencement of this Act the water rent payable to the Corporation for a supply of water for domestic purposes, otherwise than by measure, shall be at a rate not exceeding as regards houses within the borough seven pounds ten shillings, and as regards houses outside the borough eight pounds ten shillings per centum on the gross annual value of the house or part of a house supplied: Provided always, that the rates charged from

time to time by the Corporation as regards houses outside the borough shall not exceed the rates for the time being charged by them as regards houses within the borough by a greater amount than one pound per centum on the gross annual value of the house or part of a house supplied, and provided further that the Corporation shall not be obliged to furnish such a supply to any owner, occupier, or other person for a less water rent than seven shillings and sixpence per annum as regards any house or part of a house within the borough, or eight shillings and sixpence per annum as regards any house or part of a house outside the borough.

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31. On and from the commencement of this Act the provisions of section 121 of the Act of 1865 shall apply and have effect in the case of all dwelling-houses or parts of dwelling-houses occupied as separate tenements, the gross annual value of which houses or separate tenements does not exceed twelve pounds, or which houses or separate tenements are let on weekly or monthly tenancies, or for any term less than one year.

Amendment
of section 121
of
28 & 29 Vict.
c. cccxi.

32. If the owners of groups of dwelling-houses, being not less than three in number, the gross annual value of which dwelling-houses respectively shall not exceed twelve pounds, or which dwelling-houses or any part or parts thereof are let on weekly or monthly tenancies, or for any term less than one year, shall agree in writing to pay to the Corporation quarterly in advance the water rents in respect of such dwelling-houses, whether the same shall be occupied or unoccupied, for a term of not less than one year, and shall pay such water rents quarterly in advance when and as such rents and the instalments thereof become due, such owners shall be entitled to receive and shall receive from the Corporation at each time of payment a discount or drawback of not less than one-tenth part of every sum so paid in advance.

Owners of
groups of
houses paying
rates in
advance
entitled to
discount.

33. The Corporation may from time to time contract with any urban or rural sanitary authority, or with any other public body or railway company incorporated by Act of Parliament, for the supply by the Corporation of water in bulk or otherwise to such authority or body beyond the limits of water supply of the Corporation as by this Act extended, and may also by agreement with the owner or occupier of any building or lands not within those limits, and not within the water limits, as defined by any Local Act of Parliament or Provisional Order confirmed by Act of Parliament, of any sanitary authority or other public body authorised to supply water, or of any water company for the time being authorised to supply water by Act of Parliament or Provisional Order confirmed

Power to
supply water
beyond limits
of water
supply in
certain cases.

A.D. 1880. — by Act of Parliament, supply water to him from time to time for domestic or other purposes by measure or otherwise, on such terms and conditions and for such period or periods as the Corporation and such sanitary authority, public body, railway company, owner or occupier, as the case may be, from time to time agree, but the Corporation shall not in any case supply water beyond their water limits as extended by this Act so as to interfere with a proper supply for domestic purposes within those limits.

Repeal of certain sections of 28 & 29 Vict. c. cccxi., and certain provisions of 10 & 11 Vict. c. 17. not to apply.

34. On and after the commencement of this Act sections 113, 114, and 115 of the Act of 1865 are by this Act repealed, and the provisions of the Waterworks Clauses Act, 1847, with respect to the communication pipes to be laid by the undertakers, and with respect to the communication pipes to be laid by the inhabitants, shall cease to be applicable to the Corporation, or within their limits of water supply, and the last-mentioned provisions are not incorporated with this part of this Act.

Corporation not bound to supply water in certain cases.

35. No person shall be entitled to require, nor shall the Corporation be bound to supply, any dwelling-house with water (otherwise than by measure or by special agreement) where any part of such dwelling-house is used for any trade or business purposes.

Corporation not bound to give supply through pipes exceeding half an inch in diameter.

36. On and after the commencement of this Act the Corporation shall not be bound, notwithstanding anything in the recited Acts or this Act, to lay down any communication or service pipe for giving a supply of water for domestic purposes of a diameter exceeding half an inch, and this provision shall apply where a supply for domestic purposes has been given through any pipe of a greater diameter which it becomes necessary, or which the Corporation may think fit, to remove, replace, or renew.

Penalty for affixing tubes to pipes of Corporation without their consent.

37. It shall not be lawful for any owner or occupier of any house, or any other person supplied with water by the Corporation, otherwise than by measure, without the consent of the Corporation, to affix, or permit or suffer to be affixed, to any of the mains or other pipes of the Corporation, or to any service pipe of such owner or occupier or other person, any tubes or pipes for the purpose of washing the windows or fronts of houses or other buildings, or for washing carts, carriages, or other vehicles or conveyances, or for watering any gardens, or the yards, pavements, or roads belonging or adjacent to such houses or buildings, and any person who shall act contrary to this enactment shall for every such offence forfeit to the Corporation a sum not exceeding forty shillings.

38. Notwithstanding anything in the recited Acts or this Act, but subject to the provision contained in section 100 of the Act of 1865, the Corporation may from time to time charge for gas supplied by them outside the borough rents or rates not exceeding twopence for one thousand cubic feet over and beyond the rents or rates for the time being charged by them for gas supplied within the borough.

A.D. 1880.

Gas rents
outside the
borough.

39. The Corporation may from time to time contract with any urban or rural sanitary authority, or with any other public body or railway company incorporated by Act of Parliament, for the supply by the Corporation of gas in bulk or otherwise to such authority or body beyond the limits of gas supply of the Corporation as by this Act extended, and may also by agreement with the owner or occupier of any house or premises not within those limits, and not within the gas limits of any sanitary authority or other public body authorised to supply gas, or of any gas company authorised to supply gas by Act of Parliament or Provisional Order confirmed by Act of Parliament, supply gas to him from time to time on such terms and conditions and for such period or periods as the Corporation and such sanitary authority, public body, owner, or occupier, as the case may be, from time to time agree.

Power to
supply gas
beyond gas
limits in
certain cases.

40. After the expiration of six months from the passing of this Act all gas supplied by the Corporation shall be supplied at such pressure as to balance a column of water from midnight to sunset of not less than six-tenths of an inch, and from sunset to midnight of not less than eight-tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer, and any gas examiner appointed under the Gasworks Clauses Act, 1871, may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority, and the provisions of the Gasworks Clauses Act, 1871, with reference to testing of gas and to penalties, shall, mutatis mutandis, apply to such testing and pressure: Provided that, on each occasion of such testing sufficient notice in writing shall be given to the Corporation of the time and place at which the same shall be conducted to enable them to be represented.

Pressure of
gas.

41. The Corporation may, on the request of the owner or occupier of any premises within their gas limits, supply gas for heating purposes on such premises, and may manufacture, furnish, sell, let,

Power to
supply gas
for heating
purposes.

A.D. 1880. — and lay any pipes, stoves, apparatus, fittings, or conveniences for the purposes of this section on such terms and conditions in all respects as may be agreed on between the Corporation and such owner or occupier as aforesaid.

Rebates to consumers of gas.

42. Notwithstanding anything in the recited Acts or this Act the Corporation may allow to consumers of gas who shall pay the gas rents for the time being due from them, within such period after the same became due and payable as the Corporation may from time to time by order determine, such rebates or drawbacks as the Corporation from time to time think fit: Provided that, if and whilst the Corporation allow a rebate or drawback to any one consumer of gas, they shall make a like allowance under the like circumstances to every other consumer of gas.

Corporation to pay interest on deposits as security for gas meter, &c.

43. If any person is required by the Corporation to give to them security for the payment of the price or rent of a meter, the Corporation shall pay interest after the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of security for every six months during which the same remains in their hands.

Provisions as to pipes, &c. to be laid by the Corporation.

44. With respect to the communication pipes to be laid by the Corporation, the following provisions shall have effect; (that is to say,)

(A.) On and after the commencement of this Act the Corporation shall, at the request of the owner or occupier of any dwelling-house within fifty yards of any main pipe of the Corporation for the supply of water or gas, lay down and fix communication pipes and all necessary stop-taps or stopcocks, and other works for giving and regulating a supply to such house of water for domestic purposes, or of gas, as the case may be: Provided always, that the Corporation shall not be bound to lay down or fix any such communication pipes, stoptaps, or stopcocks, or other works unless and until the cost or the estimated cost of laying down and fixing the same shall have been paid to the Corporation, or the payment thereof to them secured to their satisfaction;

(B.) Upon payment to the Corporation of the cost or estimated cost of laying down and fixing such communication pipes, stoptaps, or stopcocks, and other works, the owner or, as the case may be, the occupier of such house shall be entitled, subject to the other provisions of the recited Acts and of this Act, to have a sufficient supply of water for domestic purposes, or of gas, as the case may be, from the Corporation;

(c.) All such pipes, taps, cocks, and other works shall after the same have been laid down and fixed become and remain the property of the Corporation, and so long as the water rent or gas rent, as the case may be, continues to be duly paid to them in respect of such house, shall be repaired, maintained, and renewed by them from time to time ;

(d.) No such pipes, taps, cocks, or other works shall be subject to distress for rent or to be taken in execution under any process of any court of law or in bankruptcy :

A.D. 1880.

For the purposes of this section a service or communication pipe shall mean a pipe for supplying the house with water or with gas, as the case may be, extending from the main pipe of the Corporation to the stoptap or stopcock placed (whether within or without the house, in the discretion of the Corporation) for giving or regulating the supply of water or gas to any dwelling-house, but shall not include any other pipe or part of a pipe within the house itself.

45. Where any meter for registering gas or water has ceased or failed to register gas or water passing through it, or has worked irregularly, or is otherwise out of proper order or repair, the person upon whose credit the gas or water has been supplied shall pay the Corporation for the quantity actually consumed whilst the meter has been so out of order or repair, and if any dispute arise as to the quantity so actually consumed the same shall be determined by two justices on the application of either party.

Where gas or water meter out of order quantity actually consumed to be paid for.

46. Notice in writing shall be given to the Corporation by every gas or water consumer before he shall quit any premises supplied with gas or water by the Corporation, and by the receiver, liquidator, or trustee in bankruptcy of every such consumer who shall become bankrupt immediately after his appointment, and in default of such notice the consumer so quitting, or the estate of the bankrupt whose receiver, liquidator, or trustee shall make such default, as the case may be, shall be liable to pay to the Corporation the moneys then due and accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises.

Gas or water consumers to give notice to Corporation before removing.

47. Any mains, pipes, culverts, or other works which the Corporation may, under the authority of the recited Acts or this Act, lay down or execute under, over, or alongside, or which may affect the railway, towing-path, works, or property of any railway or canal company, shall be so laid down and executed, and subsequently maintained and repaired, under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the railway or canal company affected, and in

As to works affecting railways or canals.

A.D. 1880. — accordance with plans, sections, and specifications to be from time to time approved by such engineer and the engineer of the Corporation, or, in the event of difference, by an engineer to be appointed by the Board of Trade on the application of either party.

Interpretation of sections 127 and 134 of Act of 1865.

48. The expressions "persons supplied with gas or water," "persons supplied with water," or any like expression in sections 127 and 134 of the Act of 1865, includes not only a person actually supplied with or using gas or water, as the case may be, of the Corporation, but also every person upon whose credit gas or water is supplied by the Corporation, or who has made any contract with the Corporation for the supply of gas or water by them to any other person or to any house or premises, and the remedies of the Corporation under those sections or either of them may be enforced and exercised not only against or as regards the person upon whose credit gas or water is supplied or who has made any such contract as aforesaid, but also against and as regards the person or persons actually supplied with or using gas or water of the Corporation.

Penalty for interfering with pipe supplying several houses in common.

49. Any person who removes, severs, or prevents the free flow of water through any pipe by which several houses or parts of houses are supplied with gas or water, without the previous consent in writing of the Corporation or of some authorised officer of the Corporation, shall forfeit to the Corporation a sum not exceeding ten pounds over and above the damage done to the pipe, and the expense of replacing or making good the same.

Corporation not bound to supply several houses by one pipe.

50. The Corporation shall not be bound to supply more than one house with water or gas by means of the same pipe, and they may, if they think fit, require that a separate pipe be laid into each house supplied by them with water or gas.

Corporation not bound to supply part of a dwelling-house, &c. unless water or gas rent paid for the whole.

51. The Corporation shall not be compelled to supply water or gas to the occupier of any part of a dwelling-house, or for any premises occupied with a dwelling-house, unless the water rent or gas rent, as the case may be, is paid for the whole of such dwelling-house and premises.

Corporation may supply fittings, &c.

52. The Corporation may, if requested by any person supplied or to be supplied by them with water or with gas, furnish to him at his costs and charges, and from time to time fix, repair, alter, or add to, any pipes, valves, meters, cocks, cisterns, baths, soil pans, waterclosets, apparatus, and receptacles (herein-after referred to collectively as "water fittings"), or, as the case may be, any gas fittings necessary for or connected with such supply, and may provide all materials and do all works necessary or proper in that behalf, or instead of charging the costs thereof to such person may instead thereof charge such person with such annual or other rent

or sum as may be reasonable and agreed on between the Corporation and such person, and any such rent or sum shall be recoverable in the same manner as water rents are by the recited Acts or this Act made recoverable: Provided always, that any person to whom any such water fittings or gas fittings are so furnished in consideration of an annual or other rent or sum as aforesaid, or any subsequent occupier of the premises to which the same may be furnished, may at any time determine the arrangement or agreement under which the same are furnished by giving to the Corporation three calendar months' notice in writing determining the same. And at the expiration of such notice the Corporation may, and if required by the occupier shall, at their own expense, remove the fittings so furnished.

A.D. 1880.

53. At any time after the passing of this Act the Corporation shall, when so required by any other sanitary authority, sell to such other sanitary authority all pipes, fittings, and other apparatus for or connected with the distribution of water or of gas, as the case may be, belonging to the Corporation, and which shall at such time be laid or lie in the district of such sanitary authority, beyond the limits of water supply or (as the case may be) of gas supply of the Corporation as by this Act extended, at such price, and upon and subject to such terms and conditions, as may be settled by agreement between the Corporation and such sanitary authority, or failing such agreement, as may be determined by an arbitrator to be appointed for such purpose by the Local Government Board on the application of either party, and after such sale the powers of the Corporation to supply water within the district of such sanitary authority shall cease.

Corporation when so required to sell pipes, &c. outside their district.

54. After the commencement of this Act the Corporation, if they think fit, may divide their gas and water undertaking into separate and distinct undertakings, and shall thenceforth keep separate and distinct capital and revenue accounts in respect of their gas undertaking and of their water undertaking, and for the purposes of such accounts (but not so as to affect any mortgage or annuity now charged upon their gas and water undertaking under the recited Acts or any of them) may apportion between their gas undertaking and their water undertaking their property, debts, liabilities, engagements, assets, and credits now held for the purposes of, or incurred in respect of, or belonging to their gas and water undertaking, and all moneys which the Corporation may after the commencement of this Act borrow for the purposes of their gas undertaking or (as the case may be) their water undertaking, and which but for this Act they might lawfully borrow upon the security of a charge upon their gas and water undertaking under the recited Acts, the Corporation may borrow upon the security of, or

Corporation may separate gas and water undertakings.

A.D. 1880. — may charge upon their gas undertaking or their water undertaking, as the case may be.

Reserve
funds to be
set apart for
gas and water
purposes.

55. The Corporation may, if they think fit, set apart as reserve funds from and out of any surplus moneys appearing upon the annual balance of the gas and water revenue account, or the gas revenue account, or the water revenue account, as the case may be, as profits such sum as they think proper, and the sum so set apart shall be carried to an account to be called "The Gas and Water Works Reserve Fund," or "The Gasworks Reserve Fund," or "The Waterworks Reserve Fund," as the case may be, and the Corporation may invest the same respectively, and the resulting interest thereof respectively, in Government securities, or in any mortgages, debentures, debenture stock, or annuity certificates granted or issued by the Corporation (which mortgages, debentures, debenture stock, or annuity certificates shall not, by reason of the investment, be deemed to merge or be cancelled), or in any securities in which trustees are or may be authorised to invest trust moneys, and may, subject to the proviso herein-after contained, accumulate the said funds at compound interest until the same respectively amounts to fifty thousand pounds, and any portion of such respective fund may from time to time be applied, as the Corporation think fit, in meeting expenses caused by accidents and other contingencies, or for enlarging, repairing, or improving the works connected with the gas and water undertaking, or the gas undertaking, or the water undertaking, as the case may be, or any part thereof respectively, or to answer any deficiency at any time happening in the income of the Corporation from the respective undertaking, or to meet any extraordinary claim, demand, or expenditure in respect of the respective undertaking, and so that if either of the said funds is at any time reduced it may thereafter be again restored to the sum of fifty thousand pounds, and so from time to time as often as such reduction happens: Provided always, that the Corporation may from time to time retain out of money set apart for the said funds any sum or sums of money not exceeding at any one time the aggregate amount for the time being of one half-year's annuities owing under the recited Acts or this Act, and one half-year's interest of moneys for the time being owing under the recited Acts or this Act, and may apply any of the money so retained in or towards payment of such annuities and interest, and any money so applied shall be repaid out of the revenue applicable to such payments when received, and shall thereupon be carried to the reserve fund from which it was so retained; when any such reserved fund amounts to the said sum of fifty thousand pounds the income arising from the fund shall be carried to the credit of the gas and water revenue account, or the gas revenue account, or the water revenue account of the Corporation, as the case may be.

PART IV.—ELECTRIC AND OTHER LIGHTING, HEATING, AND
MOTIVE POWER.

A.D. 1880.

56. With respect to the production and supply of light, heat, and motive power by means of electricity or other like agency, the following provisions shall have effect; (that is to say,) Electric and other lighting, &c.

(1.) In this section the word “street” has the same meaning as in the Public Health Act, 1875, and the expression “place of public resort” means—

- (A.) Any premises belonging to or used by the Corporation whether as the municipal or as the sanitary authority;
- (B.) Any place of public worship, railway station, public slaughter-house, or public theatre;
- (C.) Any other places of public resort which the Corporation from time to time think fit to supply, as herein-after mentioned:

(2.) During a period of five years from the passing of this Act the Corporation may, for the purposes of lighting streets and places of public resort within their gas limits as extended by this Act, but for no other purpose, produce and supply light, heat, and motive power by means of electricity or other like agency, and for that purpose may exercise any of the powers herein-after in this section mentioned, and subject to the provisions herein-after in this section contained; (that is to say,)

- (A.) For any of the purposes of this section they may use any lands for the time being belonging to or held on lease by them, or may purchase by agreement and take on lease any lands;
- (B.) They may upon such lands erect and maintain any necessary workshops, engine houses, store houses (including places for storing electricity or other like agent for producing light, heat, or motive power), or other buildings necessary for any of the purposes of this section;
- (C.) They may manufacture, buy, or hire, and may use and may supply, sell, or let, any machinery, steam engines, gas engines, or other apparatus (including meters and fittings), necessary for the purposes of this section;
- (D.) Subject to the provisions of this section, they may buy any gas or fuel, or buy or rent any other motive power, and may buy or rent and

A.D. 1880.

sell or let any materials or articles necessary for the purposes of this section ;

- (E.) They may acquire licenses (not being exclusive) for themselves or for any persons, companies, or corporations licensed or supplied by them for the use of any patented or protected processes, inventions, machinery, apparatus, methods, materials, or other things ;
 - (F.) They may exercise, for the purposes of this section, in the whole or any part of the borough, as to electric lighting, any of the powers which are vested in or exerciseable by a corporation or sanitary authority under the Acts relating to municipal corporations or the Public Health Act, 1875, for lighting by oil or gas ;
 - (G.) They may exercise, for the purposes of this section, as to electric lighting, any of the powers which under the provisions of any Act incorporating the Gasworks Clauses Act, 1847, or the Gasworks Clauses Act, 1871, might for the purposes of any gas undertaking be exercised by the undertakers ;
 - (H.) They may supply by agreement heat and motive power produced by electricity or like agency, and meters or other fittings, or may let meters or other fittings for any of the purposes of this section ;
 - (I.) They may charge in advance, or otherwise, for any light, heat, motive power, engines, machines, apparatus, meters, fittings, or other things supplied or let under the powers of this section, such rents or sums as may from time to time be agreed on, and may recover any such rent or sum as a debt in any court of competent jurisdiction ;
 - (K.) Generally they may do all things necessary and incidental to the purposes of this section :
- (3.) The provisions of this section shall extend to and in relation to the production and supply by the Corporation of heat or motive power by application of electricity or other like agency, and such application is included in the expression electric lighting :
- (4.) With respect to any work for the purpose of the production or supply of light, heat, or motive power by means of

electricity, done in pursuance of this Act, the following provisions shall have effect: A.D. 1880.

- (A.) It shall not be lawful for the Corporation to do any such work whereby any telegraphic line of the Postmaster-General is or may be injuriously affected, and before any such work is done, within ten yards of any part of a telegraphic line of the Postmaster-General, the Corporation, or their agents, not more than twenty-eight nor less than fourteen days before commencing such work, shall give written notice to the Postmaster-General, specifying the course and nature of the work, including the gauge of any wire, and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said work;
- (B.) Any difference which arises between the Postmaster-General and the Corporation or their agents with respect to any requirements so made shall be determined by the Board of Trade, whose decision shall be final, and sections thirty to thirty-two, both inclusive, of the Regulation of Railways Act, 31 & 32 Vict. 1868, shall apply in like manner as if the Corporation or their agents were a company; c. 119.
- (C.) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues, or if the telegraphic communication is wilfully interrupted, not exceeding fifty pounds for every day on which such interruption continues;
- (D.) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate execution of the work was required to avoid an accident, or otherwise was a work of emergency, and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to

A.D. 1880.

the place where the work was done a notice of the execution thereof, stating the reason for executing the same without previous notice ;

(E.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected by such work or by any use made of such work ;

(F.) For the purposes of this section, and subject as therein provided, sections two, eight, nine, ten, eleven, and twelve of the Telegraph Act, 1878, shall be deemed to be incorporated with this Act as if the Corporation were undertakers within the meaning of those sections, without prejudice, nevertheless, to any operation which the other sections of the said Act would have had if this section had not been enacted :

(5.) Nothing in this Act shall exempt the Corporation or their undertaking under this part of this Act from the provisions of any general Act relating to lighting by electricity, or other similar means which may be passed in this or any future session of Parliament :

(6.) Nothing in this Act shall exonerate the Corporation from any indictment, action, or other proceeding for nuisance in the event of any nuisance being caused by them in the exercise of the powers contained in this section.

Protection
of railway
and canal
companies.

57. Any pipes, tubes, wires, or other works to be laid down, set up, or executed in exercise of the powers conferred by this Act with respect to the production and supply by the Corporation of light, heat, and motive power by means of electricity, as also all repairs and renewals thereof crossing or in any way affecting any railway, canal, towing-path, lands, or property now or hereafter belonging to or used or occupied by any railway or canal company or companies, or any of the stations or the bridges or other works of any such railway or canal, shall be done under the superintendence and to the reasonable satisfaction of the engineer of such company or companies, but in all things at the expense of the Corporation, and so as to cause no injury to any such railway, canal, towing-path, lands, or property, stations, bridges, or works, or interruption to the passage or conduct of traffic on or over any such railway or canal or at any station thereof, and only according to such plans and at such times as shall

be reasonably approved by him before any such works are begun, or as, in case of dispute, shall be settled by the Board of Trade. If any injury shall arise to any such railway, canal, lands, property, stations, bridges, or works, or interruption to such traffic, the Corporation shall make full compensation to the company or companies affected thereby in respect of such injury or interruption, the amount of such compensation to be recoverable by such company or companies from the Corporation with full costs by all and the same means as any simple contract debt is or may be recoverable. A.D. 1880.

PART V.—STREETS AND STREET IMPROVEMENTS AND NEW
STREETS AND BUILDINGS.

58. Subject to the provisions of this Act, the Corporation may, if they think fit, upon the lands shown in that behalf upon the deposited plans, and in accordance with those plans and the deposited sections, make and maintain the following street improvements and new streets, or some of them, or some part or parts thereof respectively; (that is to say,) Power to
make street
improve-
ments.

- (A.) A widening of Lees Road on its southern or south-western side, to commence at a point opposite or nearly opposite the western side of Cow Lane, and to extend thence for a distance of about 170 feet in an easterly or south-easterly direction;
- (B.) A widening of Lees Road on its south-western side, commencing at Somerset Street, and extending thence about 110 feet in a south-easterly direction;
- (C.) A widening of Huddersfield Road on its northern side, commencing at or near the south-eastern corner of Greenacre's Spinning Company's Offices, and extending thence eastwardly for a distance of about 90 feet;
- (D.) A widening of Manchester Road on its western side, commencing at or near the junction of Mill Lane therewith, and extending thence northwardly or north-eastwardly for about 100 feet;
- (E.) A widening of Horsedge Street on its south-western side, commencing at a point about 50 feet south-eastward of Shaw Street, and extending for a distance of about 55 feet in a south-easterly direction;
- (F.) A widening of Ashton Road on its eastern side, commencing at or near Villa Road, and extending thence northward for a distance of about 120 feet;
- (G.) A widening on both sides thereof of the street called Glodwick, between Norbury Street and Park Road;

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- (H.) A widening of Townfield Street on its western or north-western side, commencing at Mount Pleasant Street, and extending thence about 190 feet northward or north-eastward ;
- (I.) A widening or improvement of Glodwick Road and Nugget Street, or one of them, on the western side thereof, at or near their junction opposite or nearly opposite Cranberry Street, which widening or improvement will extend for a distance of about 75 feet southward of the south side of Retford Street ;
- (K.) A widening or improvement of West Street and Saint Domingo Street, or one of them, on the eastern side thereof at their junction, which widening or improvement will commence in West Street, opposite or nearly opposite the eastern side of Rochdale Road, and will terminate at or near the western corner of the Wesleyan Methodist Schools in Saint Domingo Street ;
- (L.) A widening of West Street on the southern side thereof, commencing at Market Place and terminating at a point about 60 feet east of Grimshaw Street ;
- (M.) A widening or improvement of the street known as Bottom-o'-th'-Moor on its southern side, between two points, distant respectively 20 feet west and 140 feet east of the western side of Exchange Street ;
- (N.) A widening or improvement of Exchange Street on its eastern side, for a distance of about 140 feet from its junction with Bottom-o'-th'-Moor ;
- (O.) A widening of Priory Street on its southern side, for a distance of about 45 feet from its junction with George Street ;
- (P.) A new street, commencing on the southern side of Church Lane, opposite Lord Street, and running thence in direct extension of Lord Street to High Street ;
- (Q.) A widening or improvement of Honeywell Lane, on both sides thereof, commencing at Holden Street and terminating at the western side of the bridge carrying the said lane over the Oldham, Ashton, and Guide Bridge Junction Railway ;
- (R.) A new street, commencing by a junction with Honeywell Lane, at the west side of the bridge carrying that lane over the Oldham, Ashton, and Guide Bridge Junction Railway, and terminating by a junction with Alexandra Road at a point about 185 yards (measured along the centre of the last-mentioned road) from the lodge entrance

gates thereon at its junction with Park Road, and in connexion with the said new road to widen on its northern side the bridge carrying Honeywell Lane over the said Oldham, Ashton, and Guide Bridge Junction Railway;

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- (s.) A new street, commencing by a junction with Mortimer Street at or near the junction therewith of Knight Street, and terminating by a junction with Mortimer Street, at a point about 100 feet south of the junction therewith of Halstead Street;
- (t.) A new street, commencing at the western end of Ascroft Street at a point about 55 feet west of the western side of Denton Street, and terminating on the eastern side of Peter Street opposite or nearly opposite Priory Street;
- (u) A new street, commencing on the south-eastern side of George Street at or near the junction therewith of Priory Street, and terminating on the western side of Chapel Street, at or near the junction therewith of Saint Peter Street.

The whole of the widenings and improvements of streets and new streets by this Act authorised will be situate in the township of Oldham, in the parish of Prestwich-cum-Oldham, in the county of Lancaster.

59. In constructing the works by this Act authorised for widening the bridge carrying Honeywell Lane over the Oldham, Ashton, and Guide Bridge Railway, herein-after called the Oldham Company, the Corporation shall be subject to the following conditions; namely,

Protection
of Oldham,
Ashton, and
Guide
Bridge
Junction
Railway
Company

1. All works shall be executed at the expense of the Corporation, under the superintendence, and to the reasonable satisfaction of the principal engineer of the Oldham Company, and according to plans, sections, and specifications to be previously submitted to such engineer and approved by him in writing, and in the event of difference by an engineer to be appointed by the Board of Trade on the application of either party:
2. The works shall be constructed and maintained so that the traffic upon the railway of the Oldham Company shall not be in anywise impeded or interfered with, and such maintenance shall be effected under the superintendence and to the satisfaction of the engineer of that company, and in all things at the expense of the Corporation:
3. During the construction of the bridge over the railway of the Oldham Company the Corporation will bear and on demand pay to that company the expense of the employment by them

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of a sufficient number of inspectors or watchmen, to be appointed by them for watching their said railway, with reference to and during the execution of the intended works, and for preventing as far as may be all interference, obstruction, danger, and accident which may arise from any of the operations of the Corporation, or from acts or defaults of the contractors, or of any person or persons in their employment, or otherwise :

4. If by reason of the construction or maintenance of the works, or any of them, or the failure of any of the works, or of the maintenance thereof, or otherwise, the railway of the Oldham Company, or the works connected therewith, shall be injured or the traffic thereon impeded, the Corporation shall compensate the Oldham Company for all costs to which that company may be put in repairing the said damage :
5. The Corporation shall also indemnify the Oldham Company for any damage or compensation which may be recovered against them by reason of the interruption of the traffic on their railway, or by reason of any accident thereon, which interruption or accident shall have been occasioned by the acts or defaults of the Corporation or any of their contractors, or their respective servants or workmen :
6. The Corporation shall not acquire any estate or interest in the lands and property of the Oldham Company other than an easement or right of constructing or maintaining therein the works by this Act authorised :
7. The amount to be paid for the acquisition of such easement shall be settled in the manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the purchase of lands otherwise than by agreement.

8 & 9 Vict.
c. 18.

Power to
stop up
streets, &c.

60. When and so soon as the Corporation have purchased or acquired all lands and houses abutting on and on each side of any of the following streets or places within the borough; (that is to say,) Whitehead Square, Nelson Street, and Severn Turns, or of any court, passage, or way within the borough which it may be necessary to stop up in connexion with the street improvements and new streets by this Act authorised, or any of them, the Corporation may stop up and discontinue such street, place, court, passage, or way for public traffic, and thereupon all public and private rights of way or passage over, along, or through the same shall be by this Act extinguished, and the site and soil thereof shall be by this Act vested in the Corporation.

61. If in the case—

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(A.) Of any street within the borough which at the passing of the Act of 1865 was repairable by the inhabitants at large, but has not been at any time before the passing of this Act sewered, or the footway or footways thereof levelled, flagged, and made good by the owners to the satisfaction of the Corporation; or

38 & 39 Vict.
c. 55. to
apply to
certain
streets not
hitherto
sewered, &c.

(B.) Of any road which was at the passing of the Act of 1865 a turnpike road

it has or may become necessary or desirable, by reason of the erection since the passing of the Act of 1865 of buildings or of additional buildings abutting upon or adjoining such street or road, that the street or road should be sewered, or any footway thereof should be levelled, flagged, kerbed, or made good, the provisions of section 150 of the Public Health Act, 1875, shall apply, and the powers thereby conferred upon the Corporation may be exercised by them as regards such street or road, as in the case of streets not being highways repairable by the inhabitants at large, but so far only as regards the first cost of such sewerage, levelling, flagging, kerbing, or making good: Provided always, that any extra expense occasioned by the construction of any sewer of a larger size than 24 inches in diameter, and with materials other than would have been necessary merely for the purpose of the sewerage and draining of the street or road, and of the buildings (then or thereafter to be erected) abutting upon or adjoining the same, the amount of such extra expense, to be ascertained, settled, and determined by or under the direction of the Corporation, shall be borne and paid by the Corporation: Provided also, that for the purposes of this section street grids and side drains for surface water shall not be deemed part of the sewer.

62. Nothing contained in the Act of 1865 or in this Act shall exclude, limit, or affect the right of the Corporation to exercise the powers conferred upon them by section 150 of the Public Health Act, 1875, as regards the road or street within the borough called Shaw Road.

Saving
rights as to
Shaw Road.

63. With respect to Shaw Road the following provisions shall take effect; namely,

Provisions
respecting
Shaw Road.

(1.) On the Corporation paying to the said Joshua Milne Cheetham, William Taylor, and Charles Edward Lees, or two of them, or to the survivor of them, or to the executors or administrators of the survivor of them, out of the borough fund or borough rate, or out of moneys which the Corporation are by this Act authorised to borrow for the purpose, the con-

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sideration money aforesaid, and on a copy of this Act being produced to the Commissioners of Inland Revenue, stamped with such an ad valorem stamp as would be required by law to be impressed on a deed of conveyance of Shaw Road by them or him to the Corporation, then, and in that case, but not sooner, or otherwise, all the rights, interests, property, and things comprised in section 27 of the Act of 1865, as subsisting at the time of the vesting thereof under this section, and the soil of Shaw Road, shall by virtue of this section vest absolutely in the Corporation and their successors for all the estate and interest therein of Joshua Milne Cheetham, William Taylor, and Charles Edward Lees, and each of them, their, and each of their heirs, executors, and administrators, and of all persons and bodies claiming through or under them :

- (2.) The receipt of Joshua Milne Cheetham, William Taylor, and Charles Edward Lees, or two of them, or of the survivor of them, or of the executors or administrators of that survivor, for the consideration money aforesaid or any part thereof shall be a good discharge to the Corporation for the money so paid :
- (3.) The persons to whom payment is so made shall hold the money received by them, subject to payment and discharge of all debts and liabilities (if any) properly payable thereout or chargeable thereon, in trust for such persons as are at the time of payment beneficially interested in Shaw Road, and according to the proportions or respective amounts of the interests of those persons :
- (4.) On the vesting aforesaid taking effect all rights of levying tolls in respect of traffic on Shaw Road, and the interests of all persons in any tolls so levied, shall be by virtue of this section absolutely extinguished.

Disputes
under
section 18 of
28 & 29 Vict.
c. cccxi. to
be settled
under
section 328
of that Act.

64. The sub-section numbered (5) of section 18 of the Act of 1865 is by this Act repealed, and in lieu hereof be it enacted that in case of any dispute arising with reference to any apportionment by the Corporation under that section as amended by this Act the same shall be determined by two justices in manner provided by section 328 of the Act, 1865.

Expenses
under
section 18 of
28 & 29 Vict.
c. cccxi.
may be de-
clared to be

65. The Corporation may, if they think fit, declare the proportion of new street expenses to which any owner of buildings or land may be liable under section 18 of the Act of 1865, as amended by this Act, to be private improvement expenses, and thereupon the provisions of sections 213, 214, and 215 of the Public Health Act, 1875,

shall apply to and in the case of such proportion of new street expenses, but without prejudice to the right of the Corporation to recover the same, if they think fit, from the owner charged therewith. A.D. 1880.
private im-
provement
expenses.

66. If at any time within three months from the time of notice being given by the Corporation of any apportionment by them of any new street expenses, under section 18 of the Act of 1865, it be made to appear that such apportionment is inaccurate by reason of a miscalculation of or an error with reference to the frontage of the respective buildings and lands in the street or court, the Corporation may revoke the apportionment, and make a new apportionment in lieu thereof, or (if the inaccuracy affects certain only of the owners chargeable with the new street expenses) may by a supplemental apportionment rectify the inaccuracy in the original apportionments so far as regards the last-mentioned owners. If a new apportionment be so made the original apportionment shall be null and void to all intents and purposes, and the new apportionment shall be deemed to be the apportionment referred to in the said section 18, as amended by this Act. In the event of a supplemental apportionment being made as aforesaid the provisions of the said section 18, as amended by this Act, shall *mutatis mutandis* apply to and in the case of the same as if it were an original apportionment. If in any case in which a new or supplemental apportionment is made the Corporation have received from any owner his proportion or any part of his proportion of the new street expenses they shall give credit to such owner for the amount so received as against the amount due from him under the new or supplemental apportionment, or shall return any surplus to him (but without interest) as soon as the new or supplemental apportionment shall have become binding and conclusive. Inaccurate
apportion-
ment may be
rectified.

67. If by reason of any building being appropriated to public religious worship, and certified and recorded as such according to law, the minister, trustee, or other owner thereof shall have been exempted from any new street expenses (as defined in section 18 of the Act of 1865) which shall have been made by the Corporation repayable by yearly instalments, with interest on the principal money from time to time remaining unpaid, or which shall have been declared private improvement expenses, and if subsequently to the time of notice being given by the Corporation of the apportionment of those expenses the building shall have ceased, or shall cease to be appropriated to public religious worship, or is appropriated to or used for other purposes, the liability of the owner of the building, so far as regards such of the expenses as remain unpaid at the time of such cesser or user as aforesaid, shall revive, and such Where
buildings
exempted
from street
expenses as
places of
religious
worship
liability of
owner
revived if
buildings
used for
other
purposes.

A.D. 1880. — unpaid expenses, with the interest thereon, may be recovered from the owner as private improvement expenses accordingly.

Amendment of section 20 of 28 & 29 Vict. c. cccxi. **68.** Section 20 of the Act of 1865 shall be read and have effect as if between the words "they shall" and the words "by a declaration recorded" there had been inserted the words "in the case of a street, and may if they think fit in the case of a court."

Proceedings under section 41 of 28 & 29 Vict. c. cccxi. may in certain cases be against the owner instead of the occupier. **69.** When the removal or alteration of any obstruction or projection which under section 41 of the Act of 1865 the Corporation may require to be removed or altered would affect either exclusively or partly the structure of any building, the Corporation may serve the notice referred to in that section upon the owner, instead of upon the occupier of the building, and in that case the provisions of the said section shall apply, *mutatis mutandis*, as if the owner had been mentioned or referred to therein instead of the occupier.

Corporation may set up refuges, &c. in streets. **70.** The Corporation may from time to time place and maintain in any street raised paving or places of refuge, posts, pillars, rails, bars, chains, or other fences, either permanent or temporary, for the protection of passengers and traffic along the street, or for making the crossing thereof less dangerous to passengers, or for protecting passengers on any of the footways from injury, danger, or annoyance, and may from time to time alter and remove any such raised paving, place of refuge, post, pillar, rail, bar, chain, or fence.

Penalty for using waggons, &c. with flanged wheels, &c. **71.** Every person who drives or causes to be driven along any street within the borough any waggon, carriage, or other vehicle having flanged wheels, or wheels with any projection calculated to unduly injure the surface of the street, shall be deemed guilty of an offence within section 208 of the Act of 1865.

Corporation may authorise shelters for drivers, &c. of carriages in streets. **72.** The Corporation may from time to time authorise or permit such suitable erection as they may approve of to be placed in any street within the borough, for the use, convenience, and shelter of drivers and conductors of carriages plying or standing for hire or for the conveyance of passengers at separate fares, but no such erection shall be placed upon any private ground of any railway company, or within the curtilage or boundary of any railway station or station approaches connected therewith, or in any way to obstruct the free access to and egress from any such railway station or station approaches.

Crossings for horses or vehicles over footways. **73.** Every person desirous of forming a communication for horses or vehicles across any footpath in the borough, so as to afford access to any premises from a street, shall first apply in writing to the Corporation for their sanction, and if required shall submit a

plan of the proposed communication showing where it will cut the footpath, and what provision (if any) is made for kerbing, and for a paved crossing, and the dimensions and gradients of the necessary works, and such person after having obtained the sanction of the Corporation may deposit with the Corporation the cost or estimated cost of carrying the works into effect, and the Corporation shall thereupon with all convenient speed carry the works into effect. Any difference between the sum so deposited and the actual cost of the works shall be received or paid by the Corporation or such person as the case may be. If any person shall drive or permit or cause to be driven any horse or vehicle across any footpath, unless and until the same has had such communication as aforesaid made and approved by the Corporation, he shall be liable to a penalty not exceeding forty shillings, in addition to compensation for the damage done.

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74. If the footway of any street belonging to or under the management of the Corporation be injured by or in consequence of any excavation on lands adjoining to such footway the Corporation may repair or replace the footway injured, and all damages and expenses of or arising from such injury or repair or replacement shall be paid to the Corporation by the owner of the lands on which such excavation has been made, and may be recovered by the Corporation as street expenses are recoverable under section 150 of the Public Health Act, 1875.

Recovery of damages caused to footways by excavations.

75. The Corporation may cause any building which they may consider dangerous to be watched or guarded by the police or otherwise, and if the surveyor, or in his absence his deputy or any other duly qualified surveyor, shall certify in writing that there is imminent danger from any building, the Corporation may without any notice or other formality cause the same to be taken down either wholly or in part, or to be repaired or secured in such manner as the Corporation shall think requisite, and all charges incurred by the Corporation under this section, including in such charge a reasonable allowance to the Corporation for the services of their officers and servants in the matter, or to any surveyor as aforesaid, shall be recoverable by the Corporation in like manner and with all the same remedies as in the case of expenses under section 223 of the Act of 1865: Provided that nothing in this section shall limit or affect the powers of the Corporation under the said section 223: Provided also, that notice shall be given by the Corporation to the owner of such building of the condition thereof as soon as reasonably may be after it shall have been discovered that the same is in a dangerous condition.

Provision with reference to ruinous and dangerous buildings.

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Protection
of property
of Corpora-
tion from
damage
during
erection, &c.
of buildings.

76. In case during the progress of the erection, removal, repair, or alteration of, or addition to any building or property damage shall be done or arise to the flagging or pavement in any street, or to any other property of the Corporation in, under, or upon such street, the cost incurred by the Corporation in reinstating or making good the damage done shall, on demand, be paid by the owner of such building or property to the Corporation, and any justice of the peace may summon any such owner, and may thereupon issue his warrant of distress for the recovery thereof, or the same may be recovered in any court of competent jurisdiction.

Power to
erect public
waterclosets,
&c., and
to make a
charge for
the use of
same.

77. The Corporation may by agreement purchase and hold land for the purpose of, and may erect on such land waterclosets, urinals, and lavatories for the use of the public, and may charge a reasonable sum for the use of such waterclosets and lavatories, and the Corporation may make rules and regulations for the management of such waterclosets, urinals, and lavatories, and for regulating the conduct of the persons resorting thereto or using the same.

Interpre-
tation of
section 285
of 38 & 39
Vict. c. 55.

78. All works and things which under the recited Acts or this Act the Corporation may execute and do within the borough shall be deemed to be works and things which they may execute and do within the meaning of section 285 of the Public Health Act, 1875, and the provisions of that section shall apply and have effect accordingly..

Byelaws or
regulations
may be either
general or
special as to
new streets
or courts.

79. Any byelaws or regulations to be made or laid down by the Corporation with respect to new streets or courts under the Act of 1865 or this Act may be byelaws or regulations applying to new streets or courts generally, or to any new street or court or new streets or courts particularly specified in such byelaws or regulations.

Corporation
may define
future line of
streets.

80. Where any street in the borough is in the opinion of the Corporation narrow or inconvenient, or without any sufficiently regular line of frontage, the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of any such street. The line which in any case the Corporation propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor, and such plan shall be at all reasonable times thereafter open for inspection of the public without charge, and one month at least before the Corporation formally prescribe and define the line, they shall give notice in writing of the deposit of the said plan to every owner interested. No new erection, excavation, or obstruction (being of a permanent cha-

racter) shall be made nearer to the centre of the street than such line. A.D. 1880.

For the purposes of this section the re-erecting of any building pulled down to or below the ground floor or of any building of which only the framework is left down to the ground floor, and any addition to or external alteration of any existing building, and the conversion into a dwelling-house of any building not originally constructed or theretofore lastly used for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, shall (but in the case of an addition or external alteration so far only as regards such addition or external alteration) be deemed a new erection.

The Corporation may purchase the land lying between any such line as aforesaid and the centre of the street, and the same when purchased shall vest in the Corporation as part of the street.

Whenever in any of the above cases the Corporation shall require the said line to be observed and kept, they shall make full compensation to the owner and other persons immediately interested in any new erection for any loss or damage they may sustain in consequence of such new erection being set back, and the Corporation shall also make to the owner of any adjoining land or building, and all other persons interested in any such land or building, full compensation in respect thereof for all loss, damage, or injury (if any) sustained by them by reason of the Corporation requiring the said line to be observed and kept. All compensation under this section shall, in case of difference, be settled by arbitration.

If after any such line shall be so defined and prescribed as aforesaid any person shall wilfully or negligently act contrary to this enactment, he shall for every such offence be liable to a penalty not exceeding five pounds, and a further penalty not exceeding the like sum for every day during which such offence shall continue.

81. From and after the commencement of this Act no court shall be newly laid out or formed for the erection of dwelling-houses therein without the consent in writing of the Corporation, and any person who shall offend against this enactment shall for every such offence forfeit not exceeding ten pounds, and a further sum not exceeding two pounds for every day during which the matter complained of shall continue after notice shall have been given to such person by the Corporation or their surveyor to discontinue such erection. Provision as to erection of houses in courts.

82. No building shall be erected (without the consent in writing of the Corporation) in any existing court on any land on which a Existing courts not to be rebuilt.

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building shall not be standing at the commencement of this Act, and when in any existing court any buildings shall be burnt or pulled down to or below half the front elevation thereof such building shall, unless the Corporation otherwise consent in writing, be entirely pulled down and removed, and shall not, without such consent, be rebuilt.

The Corporation shall make compensation to the owner of such building land for any loss or damage sustained by him in consequence of the building being so pulled down, removed, and not rebuilt, or of no building being erected, as the case may be, and in the case of dispute as to the amount of compensation to be made by the Corporation under this section the same shall be settled by arbitration.

Prevention
of lock-up
shops and
other places
of business
being im-
properly used
for purposes
of habitation.

83. Where on the plan of any building, as submitted to and approved by the Corporation as the urban sanitary authority of the borough, or any committee of the Corporation, such building is described or shown as or appears to be a lock-up shop, workshop, shed, or place of business, and not as a dwelling-house, the use of such building or part thereof for the purposes of habitation, except by a caretaker, shall be an offence. Every person so using such building, or permitting the same to be so used, shall for every such offence be liable to a penalty not exceeding forty shillings, and to a further like penalty for every day during which such offence shall continue after notice in writing thereof given to him by the Corporation.

Provided, that if the said building has in the rear thereof and adjoining thereto such an open space as is required by the byelaws for the time being in force with respect to buildings intended to be used as dwelling-houses, and if such building has undergone the necessary structural alterations for converting it into a dwelling-house, or if, in the opinion of the Corporation, no structural alterations are necessary to render the building fit for use as a dwelling-house, the Corporation may, on the application of the owner of the building, authorise the same to be used as a dwelling-house.

It shall be lawful for the mayor for the time being of the borough, or his deputy, by warrant under his hand, to authorise the surveyor, inspector of buildings, or any other officer of the Corporation, at any time to enter upon and examine any building suspected of being misused as aforesaid.

Every person who shall prevent or obstruct any such surveyor, inspector, or officer so authorised from or in making such inspection shall be liable to a penalty not exceeding forty shillings.

84. The provisions of section 26 of the Public Health Act, 1875, shall extend and apply to every or any person who, without the written consent of the Corporation, causes or permits any building to be newly erected over any lodge-pond or reservoir of or connected with any mill, manufactory, or workshop: Provided that this section shall not apply to or in the case of the re-erection of any existing building which shall be burnt or pulled down or converted, added to, or altered, either before or after the passing of this Act, unless the Corporation shall, by notice in writing (which notice they are hereby authorised to give) to the owner and other persons interested in such building, require that the same may not be re-erected, and in that event the Corporation shall make full compensation to the owner and all other persons interested in such building for all loss, damage, or injury which they may sustain by reason of the building not being re-erected.

A.D. 1880.
Penalty for erecting buildings over mill lodges, &c.

85. In case the occupier of any house, or part of a house prevents the owner thereof from carrying into effect in respect thereof any notice given by the Corporation under any of the recited Acts or this Act, 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 the works required by such notice to be done, and if after the expiration of seven days from the service of such order the occupier continues to refuse to permit the owner to execute the said works, he shall for every day during which he so continues to refuse to permit the owner to execute such works 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 refusing execution of Act.

PART VI.—SPECIAL PROVISIONS RELATING TO THE LAYING OUT AND SEWERING OF NEW STREETS AND THE ERECTION OF NEW BUILDINGS WITHIN THE BOROUGH, AND TO OTHER LIKE MATTERS.

(A.) *Definitions and Repeal of existing Byelaws.*

86. In this part of this Act the expression “buildings” or “new buildings” shall include all erections or constructions, whether of masonry, brickwork, wood, iron, or other materials, and whether under or above the natural ground level, and whether intended for human habitation or for trade, or any other purpose whatever, and shall include bridges, viaducts, aqueducts, and other such erections or works, but any building used by a railway company as a part of or in connexion with their railway, and

Definition of buildings.

A.D. 1880. — having no communication with any street on which such building may wholly or partly front or abut, or any building not being a dwelling-house used exclusively in connexion with a mine, shall not be deemed a building within the meaning or application of this part of this Act. The expression “party wall” shall mean a wall forming part of a building and being used or constructed to be used in any part of the height or length of such wall for separation of adjoining buildings belonging to different owners.

New buildings.

87. The expression “new building” shall also include any building, the erection whereof is begun after the commencement of this Act, and the re-erecting of any building pulled down to or below the level of the ground floor thereof, or of any building of which only the framework is left down to the ground floor, and any addition to or external alteration of any existing building, and the conversion into a dwelling-house of any building not originally constructed or theretofore lastly used for human habitation, and vice versa, and the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, shall be deemed the erection of a new building.

Repeal of existing bye-laws.

88. All byelaws heretofore made by the council with respect to the matters mentioned in this part of this Act shall be repealed as from the commencement of this Act.

(B.)—*With respect to the giving of Notices, deposit of Plans and Sections, and the approval and disapproval thereof.*

Notice as to plans, &c. of new streets.

89. Every person who intends to lay out a new street shall give one calendar month's notice to the Corporation of such intention, by writing left at the surveyor's office, and shall at the same time leave there the following documents; namely,

(1.) A plan of the street on a scale of one inch to thirty feet, showing its proposed name, and the names of the owners of the lands through or over which the street will pass, its level, width, direction, gradient, carriage, and footways, mode of construction, and its position relatively to the streets nearest to it;

(2.) A section of the street, and also cross sections of the ends thereof, on the scale above mentioned, and on a vertical scale of one inch to ten feet, showing the level of the then surface of the ground above some known ordnance bench mark, and also sections showing the level and inclinations (for a distance of twenty yards on each side from the centre of such intended street) of any existing streets with which it will be connected, the level, size, and form at

and of which the sewer is proposed to be made in such street, and the level, size, and form of every known existing sewer to be connected therewith. A.D. 1880.

Every such plan and section shall be drawn on tracing cloth in ink, and contain the name and address of the person intending to lay out the street, and be signed by him or his authorised agent, and shall be deemed part of the aforesaid notice.

90. Every person who intends to erect a new building shall give one calendar month's notice to the Corporation of such intention, in writing, left at the surveyor's office, before beginning to dig the foundation thereof, and shall at the same time leave there the following documents ; namely, Notice as to plans, &c. of new buildings.

(1.) A detailed plan and section of the building on a scale of one inch to eight feet, showing every floor and the positions and forms of the several parts, the windows, doors, and thickness of the walls, the waterclosets, privy, drains, ash-pits, and all outbuildings and other appurtenances, showing the then, and also the intended, level of the ground line of the yard or other ground belonging thereto, and the levels of the several floors of the intended building, and the widths and levels of the adjoining streets and passages ;

(2.) A description of the means of water supply, the intended mode of drainage, showing the lines of house drainage, the size, depth, and inclination of the drains, and the means of outlet therefrom ;

(3.) A block plan on a scale of one inch to thirty feet, showing the position of the streets, buildings, and appurtenances immediately adjoining the intended building, and of the yard or ground belonging thereto.

Every such drawing, plan, and section shall be drawn on tracing cloth in ink, and shall contain the name and address of the person intending to erect the building, and be signed by him or his authorised agent, and shall be deemed part of the aforesaid notice.

91. Provided that nothing in this part of this Act shall apply to or in the case of the re-erection over any lodge-pond or reservoir of or connected with any mill, manufactory, or workshop of any existing building which shall be burnt or pulled down, or converted, added to, or altered, either before or after the passing of this Act, unless the Corporation shall, by notice in writing (which notice they are hereby authorised to give) to the owner and other persons interested in such building, require that the same may not Exception of certain cases from provisions of this part of Act.

A.D. 1880. — be re-erected, and in that event the Corporation shall make full compensation to the owner and all other persons interested in such building for all loss, damage, or injury which they may sustain by reason of the building not being re-erected.

Plans, &c.
deposited to
belong to
Corporation.

92. In all cases the plans and sections deposited as aforesaid with the Corporation or their surveyor shall be retained by the Corporation unless the same have been supplied in duplicate, when one copy of such plans and sections shall be returned with the notice of approval or disapproval, signed by the chairman of the committee.

Power of
Corporation
to disapprove
plans, &c.

93. If the Corporation disapprove of any proposed new street or building, or the sections and plans thereof, or any part thereof, they shall within one calendar month after receiving the notices aforesaid give notice in writing to the person depositing such plans and sections of the particulars of such disapproval, and of the requirements of the Corporation in respect of the proposed work, and it shall not be lawful to begin to make or lay out any street, or erect any new building, or to construct any sewer, drain, privy, cesspool, or ashpit until the sections and plans shall have been approved of by the Corporation, and no person shall, without the consent of the Corporation, deviate from any approved plan or section.

Corporation
may attach
conditions to
approval of
plans, &c.

94. The Corporation may attach to their approval of the plans and sections of any new building any conditions as to alterations in or additions to the sanitary arrangements to be made for such building in the course of its erection.

Duration of
approval.

95. If any new building, the plan for which has been approved by the Corporation, shall not be completed so as to be fit for use or occupation within two years from the date of such approval, or (where the plan has been approved before the passing of this Act) within two years from the passing of this Act, fresh notice and approval shall, unless the Corporation otherwise determine, be requisite as if notice and approval had never been given.

Service of
notice on
Corporation.

96. Except where otherwise expressed to the contrary, any notice to or demand on the Corporation under this part of 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.

97. Where by this part of this Act it is required that any notice, plan, or other instrument be left at the office of the town

clerk or surveyor the same shall be left there within the hours of ten o'clock in the forenoon and five o'clock in the afternoon on any week day, except Saturday, and between the hours of ten o'clock in the forenoon and one o'clock in the afternoon on a Saturday; Christmas day, Good Friday, Easter Monday, Whit-Friday, and Whit-Saturday are, however, excepted days on which no notices shall be given or sent to the Corporation.

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(C.)—*With respect to the Level, Width, and Construction of new Streets, and the Provisions for the Sewerage thereof.*

98. The level and width of every new street, and the level, size, and form of every sewer in every new street (the plans and sections for which shall have been approved by the Corporation), and the materials to be used in the construction and making of every such street and sewer respectively, shall be determined by the Corporation, and it shall not be lawful to construct any new street or sewer otherwise than in accordance with such determination.

Construction of streets and sewers.

99. Subject to the last preceding section of this Act every new street shall be laid out and formed as follows; (namely,)

Width of streets.

If intended not to exceed three hundred yards in length, it shall be laid out and formed at least twelve yards wide;

If intended to exceed three hundred yards in length, it shall be laid out and formed at least fourteen yards wide.

100. Every continuation of an existing street shall be deemed a new street, and shall be of the full width at the least of the street of which it shall be a continuation: Provided always, that such new street shall in no case be of less width than that specified in the last preceding section of this Act: Provided also, that this section of this Act shall not apply to or in the case of any street the plan and section of which have been approved of by the Corporation before the passing of this Act.

Continuations of existing streets to be deemed new streets.

101. The width of every new street shall be taken to mean the whole space dedicated to the public, exclusive of any gardens, forecourts, steps, projections, areas, or spaces, and shall be measured at right angles to the course or direction of the street. But the Corporation may allow areas or spaces covered to their approval, not exceeding fourteen inches in width.

Measurement of width of streets.

102. In every new street there shall be on each side thereof a good and sufficient footway of such width as the Corporation shall in each case and from time to time determine.

Width of footpaths.

103. Every street shall be laid out so as to afford the easiest practicable gradients, and so as to form an easy and convenient

Gradients of streets.

A.D. 1880. communication with the other streets or intended streets with which it may be or become in any way connected.

Entrances to streets. **104.** Every new street at each end thereof shall be of the full width of such street, and every entrance thereto shall be open from the ground upwards.

Power to define streets. **105.** The Corporation may by order from time to time determine and declare the points or limits at or within which any street is to be taken as beginning and ending.

No buildings to be erected until datum stones laid. **106.** After the width and level of any new street shall have been approved of by the Corporation, and before any new building adjoining or fronting such portion of the street as is actually opened and laid out for building shall be erected or commenced, stones twelve inches in width and at least twenty-four inches in depth shall where practicable be laid and fixed by the person laying out such portion of the street, at distances not exceeding thirty yards apart on each side of the carriage road of the portion of the street, in the line and to the level of the intended curb stone.

Sewer to be constructed before buildings erected. **107.** Every person who has made or laid out any street shall, where a proper outlet for the same can be provided, construct a sewer therein, in accordance with this part of this Act, at least co-extensive with the building plots as they are from time to time let or taken. He shall also provide and lay down in the street, in such places as the surveyor of the Corporation shall determine, grids for carrying off the surface water from the said street. No new building shall be occupied upon any plot of land in the said street until the drainage shall have been completed to the satisfaction of the Corporation.

Back passages to streets to be laid out. **108.** Every new street intended as the principal or front access to a continuous line of dwellings shall, unless the Corporation otherwise allow, have provided and set out in connexion with it one or more back or transverse passages or roads ten feet wide, in such manner as to afford access for carts to the back of every house in such continuous line of dwellings in the new street, and such passages or roads shall be kept free from any obstruction and uncovered. Such space of ten feet wide shall, in the case of parallel streets laid out by different owners, be contributed by such owners in equal proportions.

Gardens, forecourts, &c. to be fenced off from streets. **109.** Whenever the person erecting any building shall be desirous of placing any steps or other projections in any forecourt, area, or space left in front of such building the same shall be well and sufficiently fenced off from the footpath or street by a railing

or parapet or dwarf wall and palisades, or otherwise, to the satisfaction of the Corporation, but where such garden, forecourt, areas, or spaces are free from any steps or other projections the extent of the same, or such portion thereof as the person erecting the building may not wish to give to the street, shall be defined by the owner by a line of kerb stones or other suitable material laid flush with the surface of the footpath, the object of this enactment being that footpaths shall be freed from objectionable obstructions and the owner of the building secured of his full rights over any land he may wish to retain in front of his building.

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110. If in the making of a new street or sewer or drain, or the execution of any work connected therewith, anything is done in contravention of this part of this Act, or anything thereby required is omitted, the surveyor may within forty-eight hours after obtaining knowledge thereof give to the person making the street, or his agent, notice in writing requiring him, within a time to be specified in the notice, to amend what has been so done in contravention, or to do what is so required, and such person shall comply in every respect with the requirements of such notice. No sewer or drain in any new street shall be covered up (unless approved of in the meantime by the surveyor) until after the expiration of two days' notice in writing to be given to the surveyor of the Corporation, and the like notice shall be given after the works which may have been required by the surveyor to be done in amendment of any irregularity have been completed, and before such sewer, drain, or works shall be covered up.

Notice of irregularity.

(D.)—*With respect to the construction of buildings, the open spaces about them, their ventilation, drainage, water-closets, privies, &c. &c.*

111. Every person intending to build or take down any building, or to alter or repair the outward part of any building in any street or court, shall, before beginning the same, unless the Corporation otherwise consent in writing, cause close boarded hoards or fences, to the satisfaction of the Corporation to be put up, in order to separate the building from the street or court, with (if the Corporation so require) a convenient covered platform and hand-rail to serve as a footway for passengers outside of such hoard or fence; and shall continue such hoard or fence with such platform and handrail as aforesaid standing and in good condition to the satisfaction of the Corporation during such time as in their opinion the public safety or convenience requires; and shall, when required by the Corporation, in order to prevent accidents, cause

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

A.D. 1880. — the same to be sufficiently lighted during the night, and shall remove the same when required by the Corporation.

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

112. It shall not be lawful for any person, without the consent of the Corporation first obtained, to put up or keep up in a street or court a hoard or fence or scaffold for any purpose, or any post, bar, rail, board, or other thing by way of inclosure, for the purpose of making mortar, dressing stone, or of depositing bricks, lime, rubbish, or other materials.

Penalty for not lighting deposits of building materials or excavations.

113. It shall not be lawful for any person, without the consent of the Corporation first obtained, to lay any building materials, rubbish, or other thing, or make any excavation on or in any street or court, and when with such consent any person lays any building materials, rubbish, or other thing, or makes any excavation on or in any street or court, he shall, at his own expense, cause the same to be sufficiently fenced, and a sufficient light to be fixed in a proper place on or near the same, and to be continued every night from sunset to sunrise, and shall remove such materials or thing, or fill up such excavation (as the case may be) when required by the Corporation; and if any person fails to comply in any respect with the requirements of this enactment 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, in addition to any penalties for breach of this enactment.

Foundations and damp-course.

114. Where any new house shall be erected upon land on which no dwelling-house shall have been previously erected the soil must, if required by the Corporation or their surveyor, be excavated and removed to the depth of fifteen inches at the least from the floor-line, and a layer of good concrete clinkers or other hard material, of the thickness prescribed by the Corporation or their surveyor, shall be spread thereon and well rammed before the floor is laid, and every new house shall, if required by the Corporation or their surveyor, have a course of lead, slate, or other impervious material for a damp-course laid immediately above the ground-line on each external wall.

Level of the ground floor.

115. The level of every part of the ground floor of every new dwelling-house shall be at least six inches above the level of the edge of the footway or street adjoining such dwelling-house, whether there be a cellar to such dwelling-house or not, and the floor of every cellar in such house shall be laid with flags or some other material to be approved by the Corporation or their surveyor: Provided always, that no person shall proceed with the erection of any new building above the floor-line until the Corporation or their

surveyor shall have certified in writing that such floor-line is in accordance with the plans approved of, such certificate to be given, if the building so far shall have been constructed to the satisfaction of the Corporation, within seven days after receipt of notice of completion to the floor-line. A.D. 1880.
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116. The walls of every new building shall be constructed of such thickness as shall be approved by the Corporation, and the foundation thereof shall rest on solid ground or upon concrete or other solid sub-structure: Provided always, that the external walls of every dwelling-house shall not be less than fourteen inches in thickness, the outer portion of which shall consist of not less than nine inches of solid brickwork or stonework: Provided also, that all party walls shall be at least 9 inches in thickness, and be carried up to the roof: Provided further, that the external walls of any scullery or pantry, or any room over the same, to be erected in connexion with a dwelling-house, may not be less than eleven inches in thickness. Strength of
external and
party walls.

117. The inner walls of every new building shall be constructed of brick, stone, or other hard and incombustible substance, at least four and a half inches in thickness, and shall be properly bonded and solidly put together with good mortar or cement, and all return walls shall be properly bonded together, unless the Corporation shall otherwise allow in cases in which it may appear to them that no danger would exist of the spread of fire. Strength of
inner walls.

118. Any external or party wall of a new building, to be used as a warehouse or manufactory, the roof or gutter of which shall adjoin any other house or building, shall be carried up above such roof or gutter to form a parapet of not less than twelve inches in height, measured at right angles to the slope, and above the covering of such roof or above the highest part of such gutter, and such parapet wall shall be so coped as to prevent any damp from rain-fall. Height of
external and
party walls.

119. All joists, beams, or other woodwork fixed in or upon any external or party wall (except beams or bressummers and storey posts under the same, and frames of doors and windows) shall have at least four and a half inches of wall hold, and shall not be brought within four inches of the external face of such wall unless with the previous sanction of the Corporation. Woodwork in
external or
party walls.

120. Every bressummer or carrying beam shall have a bearing on the direction of its length of nine inches at the least at each end upon a sufficient pier of brick or stonework in cement, and the ends of any bressummer, or of any beam or joist bearing upon any Bearings of
bressummers
or beam.

A.D. 1880. — party wall, shall be distant at least four and a-half inches from the centre line of such wall.

Projections. **121.** No pilaster, plinth, cornice, or other part of any new building, or of any new front or addition to any existing building, shall project or encroach over any footway or highway unless allowed by the Corporation, or beyond the distance (if any) which shall be prescribed by the Corporation.

Chimneys and flues. **122.** Every flue and chimney shall be constructed of good brick or stonework and mortar well grouted, and shall not have any opening into it between the fireplace and the top thereof, except for ventilation, and no timber shall be placed within four and a half inches of the interior of any such flue or chimney, and every fireplace in any room with a board floor shall have the hearth tiles or slabs of such fireplace bedded on mortar, making a total thickness of not less than two and a half inches, and such tiles or slabs shall extend in breadth at least six inches on each side beyond the opening of the fireplace, and shall extend from the back of such opening to a distance of eighteen inches at least in front of the chimney breast.

Roofs. **123.** The roof or flat of every new building, and every gutter, dormer, and other work or construction connected therewith, except the doors, door frames, windows, window frames, and eaves-gutters, shall be formed of or externally covered with incombustible materials, except in special cases when otherwise allowed by the Corporation.

Height of buildings. **124.** No new building shall, without the approval of the Corporation, be erected on the side of any street which shall exceed in height the distance from the front of such building to the opposite side of such street, nor shall the height of any building erected on the side of any street, either before or after the eighth day of November one thousand eight hundred and eighty, be at any time subsequently increased without such approval as aforesaid so as to exceed such distance. In determining the height of a building the measurement shall be taken from the level of the centre of the street immediately opposite the centre of the front of the building up to the top of the parapet or to the eaves of the roof, as the case may be. In case of a gable facing the street the measurement shall be to a point half-way between the level of the eaves and the ridge. In the case of a roof which slopes away from the street at any greater angle to the horizon than fifty degrees, the measurement shall be to the ridge of the roof and not to the eaves.

125. In any building to be erected every habitable room, except rooms in the roof, shall be in every part nine feet in height at the least from the floor to the ceiling, and every habitable room in the roof of any such building shall be at the least nine feet in height from the floor to the ceiling throughout not less than one half the area of such room.

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Height of
rooms.

126. Every habitable room hereafter built shall have at least one window which shall be made to open directly into the external air to the full extent thereof, and the top of which shall be not less than seven feet and six inches from the level of the floor, and the total area of such window, or if there be more than one, of the several windows, clear of the sash frames, shall be equal at the least to one-tenth of the floor area of such room. If such room be of less area than one hundred superficial feet, and without a fireplace, it shall be provided with special means of ventilation by air shaft or otherwise, as the Corporation may approve.

Special
ventilation of
small rooms.

127. Every building now used or intended to be used as a place of public amusement or entertainment, or for holding large numbers of people for any purpose whatever, shall be provided with ample and convenient means of ventilation and ingress and egress to be approved by the Corporation.

Ventilation,
&c. of public
buildings.

128. All new houses and buildings shall be drained in the most effectual manner which may be practicable, and the mode of drainage shall be subject to the approval of the Corporation.

Approval of
mode of
drainage.

129. The drainage of all new houses and buildings shall consist of the best glazed stoneware or glazed fireclay socket pipes, to be approved by the Corporation or their surveyor, and shall be connected with the sewers in such manner as the surveyor of the Corporation shall direct, and beneath houses they shall be embedded in and surrounded with well puddled clay. No right angle junctions, whether vertical or horizontal, shall be formed.

Construction
of house
drainage.

130. The drains of every new building shall be provided with such means of ventilation by special pipes or shafts as the Corporation or their surveyor may require. No communication shall be allowed with the drains within such building (except with drains from the cellar) except through the apparatus of any watercloset in connexion with such building. Every other pipe for carrying off waste water, whether from a sink, bath, lavatory, or cistern, shall be taken through an external wall to discharge in the outer air over a channel leading to a gully-grating at a suitable distance, and every gully-grating or other inlet to the drains shall be properly trapped.

Ventilation
and construc-
tion of drains
and waste
water pipes.

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Drainage of
subsoil and
prevention of
damp.

131. The house drainage shall be so constructed, either with additional earthenware pipe drains or otherwise, as to drain the subsoil of the premises whenever the dampness of the site appears to the Corporation to render this necessary, and all rainwater shall be so drained or conveyed from the roofs of buildings as to prevent its dripping on to the ground and causing dampness in the walls, or being a nuisance or an annoyance to passengers.

Yards of
houses.

132. Every new building intended to be used as a dwelling-house shall have directly attached thereto and wholly in the rear thereof, and separated from the adjoining premises by a brick or stone fence at least six feet and six inches high, an open space, exclusively belonging thereto, to the extent of at least one hundred and forty square feet, free from any erection thereon above the level of the ground. Where such building does not exceed twenty-four feet in height, measured from the floor line to the eaves of the building, the distance across such open space between the building and fence wall at the rear, parallel to the building, shall be ten feet at the least. If such building be more than twenty-four feet in height, but do not exceed thirty-four feet, the extent of the open space shall be two hundred and twenty-five feet at the least, and the distance across shall be fifteen feet at the least. If such building be more than thirty-four feet in height the extent of the open space shall be two hundred and twenty-five feet at the least, and the distance across shall be twenty feet at the least: Provided always, that the area of the yard or open space in each case shall not be less than one third of the area of the ground covered by the house for which such yard or space shall be left. When, however, thorough ventilation of such open yard or space is secured, or when, on the re-erection of buildings within the town, these dimensions cannot be adhered to without considerable sacrifice of property, they may be modified at the discretion of the Corporation.

Continuance
of space for
dwelling-
houses.

133. Wherever any yard or open space has been left belonging to any building for the erection of which the sanction of the Corporation has been obtained such yard or space shall not afterwards be built upon without the sanction of the Corporation, and where a dwelling-house existing at the commencement of the Act of 1865 has an open yard or space belonging to it not greater than that required by this part of this Act for new dwelling-houses that space, or any part thereof, shall not be built on without the approval of the Corporation, and where such a dwelling-house has an open yard or space belonging to it greater than that required by this part of this Act for new dwelling-houses that yard or space, or any part of it, shall not be built on so as to leave for that

dwelling-house a less yard or space than that required by this part of this Act for new dwelling-houses, without the sanction and approval of the Corporation being previously obtained. A.D. 1880.

134. In every case where the backs of dwelling-houses or the yards thereto do not abut upon a street there shall be a passage at least ten feet wide immediately at the back or side thereof, and every such passage shall be open, uncovered, and free from obstruction throughout its entire length, and communicate with a street, and where practicable at each end with a street. Passage between yards of back-to-back houses.

135. Except as herein otherwise provided, every building shall be provided with a separate watercloset, earthcloset, pancloset, or privy, and ashpit accommodation, the situation, dimensions, materials, and construction of which respectively shall be subject to the approval of the Corporation or their surveyor. Every pancloset, privy, and ashpit shall be in the yard attached to such building, and shall be so constructed as to prevent the mixing of the excreta with the ashes and dry refuse. Every privy shall be provided with a sanitary pan or other receptacle for the reception of the excreta. Every privy shall have an opening as near to the top as practicable, communicating directly with the external air, or shall be furnished with such other means of ventilation as the Corporation or their surveyor may direct. Every watercloset or earthcloset in a building shall be constructed in such a position that one of its sides at the least shall be an external wall. Every watercloset or earthcloset in connexion with a building, whether the situation of such watercloset or earthcloset be or be not within such building, shall have in one of the walls thereof a window of not less dimensions than two feet by one foot, exclusive of the frame, and opening directly into the external air. Water-closets, privies, and ashpits.

136. Every building used as a workshop, manufactory, or school, whether erected before or after the commencement of this Act, shall be provided outside such building with at least one privy and one urinal for every forty males or fractional part thereof employed therein or attending thereat, and with at least one privy for every twenty females or fractional part thereof employed therein or attending thereat. Privies, &c. for manufactories, schools, &c.

137. No room built before or after the commencement of this Act, any portion of which extends immediately over any privy, cesspool, midden, ashpit, or stable, shall be occupied as a dwelling or sleeping or work room, and no person shall after the expiration of one month after the commencement of this Act occupy or suffer to be occupied as a dwelling or sleeping or work room any such room. Rooms over privies or ashpits not to be used as dwelling or sleeping rooms.

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Ovens and
furnaces to
have protect-
ing walls.

138. The owner of every oven used by any baker, and of every furnace used by any tradesman or artificer, shall construct a wall of not less than nine inches in thickness between the fire of the oven or furnace and the wall of the building in which such oven or furnace shall be, and such wall shall be constructed above, below, and around the oven or furnace, to the satisfaction of the Corporation.

Buildings
unfit for
human habi-
tation.

139. If the medical officer of health or any two medical practitioners shall by writing certify to the Corporation that any building, or part of a building, is unfit for human habitation the Corporation may cause a notice of such certificate to be served on the owner or occupier of such building or part of a building, and appoint a time for him to appear and answer the same before them, and upon such appearance, or in default thereof, may by their order, affixed conspicuously on the building or part of the building, declare that the same is not fit for human habitation, and the same shall not, after a date therein to be specified, be inhabited, and, after the date or time mentioned in such order no person shall let or occupy, or continue to let or occupy, or knowingly suffer to be occupied, such building or part of a building: Provided always, that if at any time after such order has been made the Corporation shall be satisfied that such house has become or been rendered fit for human habitation they may revoke their said order, and the same shall thenceforth cease to operate.

Notice of
completion of
works and
buildings.

140. After any building has been completed, and before the same is used or occupied, the owner shall give notice thereof to the surveyor, who shall proceed to survey such building and report thereon to the Corporation.

Occupation
of new
houses.

141. No new dwelling-house shall be occupied until the same and the drainage thereof have been completed in accordance with the plans and sections approved of and with this part of this Act, nor until such house has been certified by the surveyor to be in his opinion fit for human habitation, but if the surveyor fail within seven days after the receipt of written notice of completion to notify in writing in what respect such house or drainage has not been completed as aforesaid such house may be occupied.

Power of
inspection.

142. The surveyor and his assistants may at any reasonable time inspect any building in progress of construction, or any work connected therewith, and for such inspection he and they shall have all requisite use and assistance of ladders, scaffolding, plant, and labourers' service in and about the building or works inspected. The owner or his agent, or the builder, shall give forty-eight hours notice in writing to the surveyor before the commencement of the

building, and before any foundation of a new building, or any sewer or drain, is covered up, and the like notice after any work required by the Corporation to be done in amendment of any irregularity has been completed and before the same is covered up. A.D. 1880.

143. If the surveyor on inspecting any building or work find that the same is so far advanced that he cannot ascertain whether anything has been done contrary to these byelaws or the plans and sections approved by the Corporation, or whether anything required by this part of this Act or by such plans and sections has been omitted to be done, the surveyor shall within forty-eight hours after such inspection give to the owner or his agent, or to the builder or person engaged in erecting such building or doing such work, notice in writing requiring such builder or person within forty-eight hours from the date of such notice to cause anything done contrary to this part of this Act or to such plans and sections to be amended, or to do anything required to be done by this part of this Act or to such plans and sections but which has been omitted to be done, or to cause so much of any building or work as prevents such surveyor from ascertaining whether anything has been done or omitted to be done as aforesaid to be to a sufficient extent cut into, laid open, or pulled down, and such builder or other person shall forthwith comply with the notice so given: Provided always, that in case the surveyor shall neglect to inspect any building or work within forty-eight hours after notice has been served upon him pursuant to the last preceding section of this Act, or if he shall neglect to inspect any other building or work before the same is so far advanced that he is unable to inspect without cutting into, laying open, or pulling down the same, the expense of cutting into, laying open, or pulling down, as the case may be, any such building or work shall be borne and paid by the Corporation if the surveyor shall find on inspection that the provisions of this part of this Act have not been infringed.

Power of
surveyor on
inspecting.

144. If in the erecting of a building, or the execution of any work connected therewith, anything is done in contravention of this part of this Act, or anything thereby required is omitted, the surveyor may, within forty-eight hours after obtaining knowledge thereof, give to the owner of the building, or his agent, or the builder, notice in writing requiring him, within a time specified in the notice, to amend what has been so done in contravention, or to do what is so required, and every such owner, or agent, or builder, shall comply in every respect with the requirements of such notice.

Notice in
case of
irregularity.

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(E.)—*Penalties.*

Penalties.

145. Every person offending against this part of this Act, whether he be the owner, agent, architect, builder, contractor, workman, labourer, servant, or other person employed in or about any works, shall be liable to a penalty not exceeding five pounds, and, in the case of a continuing offence, to a further penalty not exceeding forty shillings for every day during which such offence continues after the expiration of twenty-four hours from the service of notice on him by the Corporation: Provided always, that if any such agent, architect, builder, contractor, workman, labourer, servant, or other person has acted in relation to any such offence with the privity or consent of the owner or person causing or directing the work to be done he shall not be liable to any penalty under this part of this Act.

PART VII.—SEWERS AND SEWAGE.

New sewers to be maintained by Corporation.

146. If in any street in which there is not a sewer, or in which the existing sewer is insufficient, the owners of the lands abutting on such street construct a new sewer to the satisfaction of the Corporation, or the Corporation construct such new sewer and charge such owners with the payment of the expenses or part of the expenses incurred in the construction thereof, such new sewer shall thenceforward belong to and be maintained by the Corporation at their own cost, and if such new sewer shall at any time and from any cause prove insufficient the expense of constructing any substituted or additional sewer shall be borne by the Corporation alone.

Corporation may make communications between private drains and their sewers on payment, &c.

147. If the owner or occupier of any premises within the borough desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation such communication shall be made by the Corporation upon the cost or estimated cost of making the communication being paid to the Corporation, or the payment thereof to them being secured to their satisfaction, and the Corporation may execute all works necessary for that purpose.

Penalty on persons sweeping dirt into sewers.

148. No person shall sweep any soil, rubbish, or filth, or any other thing into any sewer or drain, or over any grate or opening communicating with any sewer or drain, and every person so offending shall for every such offence be liable to a penalty not exceeding five pounds.

Power to acquire patent rights, &c.

149. The Corporation may from time to time acquire, hold, and enjoy, and use any patent rights or any licenses (not being in either case exclusive) for working, using, or applying any patented or

protected processes for or connected with the disinfecting, deodorising, distributing, manufacturing, or otherwise dealing with sewage or night-soil. A.D. 1880.

PART VIII.—SANITARY ARRANGEMENTS.—INFECTIOUS DISEASES.

150. Any factory, shop, or other building in which five or more persons of either sex or of both sexes are employed or intended to be employed in any manufacture, trade, or business shall be deemed to be a house within the meaning of sections 35 to 38 of the Public Health Act, 1875.

Factory &c.
in which
more than
five persons
employed to
be deemed a
house within
sections 35
to 38 of
38 & 39 Vict.
c. 55.

151. No cesspool shall be made or continued except when, in the opinion of the Corporation, the making or continuance thereof shall be unavoidable; and when any cesspool shall be allowed to be made it shall be constructed in such situation and in such manner as the Corporation shall direct, and it shall in every case be made watertight. It shall be arched or covered over, and a pipe or shaft for ventilation shall be carried up from it or from the drain communicating with it from the watercloset to the satisfaction of the Corporation. All cesspools receiving the soil or drainage of any closet or privy must be emptied, deodorised, and filled up with approved material as soon as there shall be a sewer belonging to the Corporation within one hundred feet of any part of such premises fit to receive the drainage of such premises.

Cesspools.

152. The Corporation may, if they think fit, authorise or require the use of a sanitary pan or pancloset or ashtub in any case in which they are authorised to require the use of a privy, water-closet, earthcloset, or ashpit, and they may prescribe the size and materials of which such pans or tubs shall be constructed, and the times of removing and replacing the same, and the provisions of this Act and the Public Health Act, 1875, with respect to the providing of privies, waterclosets, earthclosets, or ashpits, shall apply, mutatis mutandis, in the case of sanitary pans or panclosets or ashtubs, the use of which may be required by the Corporation.

Sanitary
pans, &c.

153. The owner of every dwelling-house in which pans or tubs are used in the privies or in place of ashpits shall obtain the regulation size pans or tubs from the Corporation, who may from time to time fix some reasonable sum as the price to be paid for the same, and in case the owner of any dwelling-house use any pan or tub not obtained from the Corporation he shall for every such offence be liable to a penalty not exceeding twenty shillings, and to a like penalty for every day or part of a day during which such offence is continued.

Regulation
pans for
privies, &c.

A.D. 1880.

Situation of
waterclosets
&c.

154. The situation, dimensions, materials, and construction of every watercloset, earthcloset, pancloset, privy, ashpit, ashtub, and cesspool, shall be such as the Corporation from time to time require or approve, and every watercloset or privy shall have an opening as near to the top as practicable, communicating directly with the external air, or shall be otherwise furnished with sufficient means of ventilation, and every watercloset constructed after the passing of this Act shall be provided with a water waste-preventing cistern of such size and description as shall be prescribed by the Corporation, and every ashpit shall, if required by the Corporation, be covered over, and due provision shall be made for the proper ventilation thereof.

Penalty on
injuring a
privy.

155. If any person shall injure or improperly foul any privy, watercloset, earthcloset, pancloset, ashpit, ashtub, or ashplace, used in common by the occupiers of two or more dwelling-houses, or any tub or receptacle for, belonging to, or connected with such privy, watercloset, earthcloset, pancloset, ashpit, or ash place, he shall for every such offence be liable to a penalty not exceeding forty shillings.

Power to
order closets,
&c. to be
provided.

156. If at any time it appear to the Corporation on the report of the medical officer, the inspector of nuisances, or the surveyor, that any building, whether built or rebuilt before or after the passing of this Act, is without a sufficient privy, pancloset, watercloset, earthcloset, ashpit, or ashtub, or other like accommodation which the Corporation have approved, the Corporation may give notice in writing to the owner or occupier of such building requiring him, within such time as shall be specified in such notice, to provide such privy, pancloset, watercloset, earthcloset, ashpit, ashtub, or other like accommodation which they have approved, as they shall think fit, and if any such owner or occupier makes default in complying with such requirement within the time specified in such notice he shall be liable to a penalty not exceeding forty shillings, and to a like penalty not exceeding forty shillings for every day or part of a day during which such default continues: Provided always, that where in the opinion of the Corporation a privy, pancloset, watercloset, earthcloset, ashpit, or ashtub, or other like accommodation as aforesaid may be used in common by the inmates of two or more buildings the Corporation may, if they think fit, dispense with the providing of a separate privy, pancloset, watercloset, earthcloset, ashpit, or ashtub, or other like accommodation as aforesaid for each such building. Any notice under this section may either be a separate notice or may be included in or form part of a notice requiring the filling up or removal of a privy, cesspool, or ashpit.

157. When any building shall be provided with a suitable water-closet or earthcloset, or sanitary pan or pancloset, or ashtub, or other like accommodation as aforesaid, to the satisfaction of the Corporation they may order that any existing privy or ashpit shall be filled up by the owner or occupier of the building, and some means provided by such owner or occupier to the satisfaction of the Corporation for facilitating the removal by the Corporation of the nightsoil and ashes, and if such owner or occupier do not, within one month next after notice of such order, comply with the same he shall be liable to a penalty not exceeding forty shillings, and to a penalty not exceeding twenty shillings for every day during which the default continues, and in case of such default the Corporation may, if they think fit, execute the works necessary for carrying out the order, and the expenses incurred by them in so doing shall be repaid to them by such owner or occupier, and shall be recoverable as a penalty under this Act is recoverable.

A.D. 1880.
Power to order privies, &c. to be filled up.

158. The purposes for which the Corporation may from time to time make byelaws under section 58 of the Act of 1865 shall include the prohibiting the placing, erecting, or use of privies or stables under any room used or intended to be used or capable of being used as a workroom.

As to privies or stables under work-rooms.

159. The Corporation, for the purpose of supplying a court or place with a privy, watercloset, earthcloset, pancloset, sanitary pan, ashpit, ashtub, or other sanitary 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 owner or owners of such houses in the court or place 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 surveyor in proportion to the rateable value of the property held by them in such court or place, and the amount apportioned to each owner shall be payable by and recoverable from him: Provided that, if any owner feels himself aggrieved as regards either the amount of such expenses or the apportionment thereof, he may appeal to two justices in manner provided by section 328 of the Act of 1865.

Power to supply houses or courts with privies, &c.

160. If any passages, not being public highways, leading to the back of several buildings in separate occupations be not regularly and effectually swept and kept clean the Corporation may, if they think fit, sweep and clean any such passage, and the expense thereby incurred may be recovered as a penalty under this Act is recoverable from the occupiers of the buildings to the back of which the passage leads in equal proportions.

Penalty for not keeping common passages clean.

A.D. 1880.

Summary power for providing sinks and drains for dwelling-houses.

161. In addition to all powers vested in the Corporation, the Corporation, or any Committee of the Council, may, if the surveyor or inspector of nuisances shall report in writing to the Corporation or to any such Committee that any house or building is not provided with a proper sink or drain, or other necessary appliances for carrying off refuse water from such house or building, by notice require the owner of such house or building, in the manner and within the time to be specified in such notice, to provide such sink, drain, or other appliances. If any such owner shall neglect to comply with such notice within the time therein appointed he shall be liable for every such offence to a penalty not exceeding five pounds, and a further penalty of forty shillings for every day during which such offence shall continue.

Closing of polluted wells.

162. Upon the report of the medical officer of health or the inspector of nuisances to the Corporation that the water of any well is so polluted or unwholesome as to be injurious to health the Corporation may order such well to be closed by the owner or occupier of the premises to which the well belongs, and if such owner or occupier fails to comply with such order the Corporation may do what may be necessary to close the said well, and any expenses incurred by them may be recovered in a summary manner from such owner or occupier.

Pipes from slopstones to be disconnected from sewers.

163. Every pipe from any slopstone in a building, whether erected before or after the passing of this Act, shall, where practicable, be carried through the external wall of such building, and be constructed so as to discharge in the open air outside such building over a channel leading into a drain or sewer; and every such drain or sewer shall be trapped in a manner to be approved by the Corporation; and every person who offends against this enactment shall for every such offence be liable to a penalty not exceeding twenty shillings, and to a further penalty not exceeding ten shillings for every day during which the offence continues: Provided always, that with respect to a building erected before the passing of this Act the above penalties shall not be enforced, unless default has been made for fourteen days in complying with a notice from the Corporation requiring the owner or occupier of such building to comply with the provisions of this section.

Opening of ill-ventilated courts.

164. 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 in the borough and remove the same and execute all necessary 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; any com-

compensation under this section shall in case of difference be settled by arbitration. A.D. 1880.

165. The entrance to any court or place not being a highway repairable by the inhabitants at large shall not at any time after the commencement of this Act be closed or narrowed or built over, or the height or headway thereof lowered, without in each case the consent of the Corporation in writing. Entrances to courts, &c. not to be closed, &c. without consent of Corporation.

166. In this part of this Act the expression "infectious disease" means and includes all or any of the following diseases; that is to say, small pox, cholera, scarlet fever, scarlatina, diphtheria, typhus fever, enteric or typhoid fever, relapsing fever, and puerperal fever. Definition of "infectious disease."

167. The Corporation, if they think fit, may purchase or otherwise acquire by agreement any building (including the site and appurtenances thereof) which, or a part of which, is in their opinion unfit for human habitation. Power to purchase buildings unfit for human habitation.

168. The following provisions for prevention of infection from disease, in addition to those contained in the Public Health Act, 1875, shall take effect: Further powers with respect to prevention of infection from disease.

(A.) The Corporation may from time to time provide temporary shelter or house accommodation for the members of a family in which infectious disease has appeared:

(B.) The Corporation may themselves provide, or contract with any person or persons to provide nurses for attendance upon persons suffering from infectious disease within the borough:

(C.) The Corporation from time to time may order public or private day schools, situate in neighbourhoods affected by infectious disease, to be temporarily closed or suspended:

(D.) The Corporation may order any shop, dairy, or other place for the sale or storage of articles of food or drink or clothing, or other articles liable to retain infection, to be temporarily closed whenever from the appearance of infectious disease in such shop, dairy, or other place, or in rooms in connexion therewith, such action appears to the Corporation to be necessary; and may take all such means as seem to them desirable for preventing the entrance of the public into such place, or of the issue from it of food, clothing, or other articles:

(E.) In case of the existence of any infectious disease in any house wholly or partly within the borough the Corporation may issue an order declaring such house, or any rooms therein or part thereof, an infected place, and forthwith, until such order has been determined by another certifying

A.D. 1880.

it free from infection, the following regulations shall in respect of such house or part of a house be observed :

- (1.) No person occupying or living in any such house or part of a house shall continue at any indoor occupation which necessitates the handling of any clothing, food, or article likely to retain infection which is intended for sale or for the use of persons belonging to another family ;
- (2.) No bedding, clothing, or other articles liable to retain infection shall be removed from such house or part of a house without previous disinfection, or without proper precautions (to the satisfaction of the medical officer of health) for the purposes of being disinfected or destroyed :

Provided always, that when the room or rooms occupied by the persons suffering from such disease can be effectually separated and are so separated from the other parts of the same house or building, the rooms so occupied only shall be deemed to be affected by such order and regulations.

The Corporation shall make compensation to any person who has sustained loss by reason of the exercise of any of the foregoing powers, but such compensation shall be in regard only of direct material and pecuniary loss, and not in respect of any consequential loss or damage.

Notice to be given of persons suffering from certain diseases.

169. In order to secure that due notice be given to the Corporation of any inmate of any building used for human habitation who is suffering from any infectious disease, the following provisions shall have effect ; (that is to say,)

- (1.) If any such inmate be suffering from any such disease the occupier or person having the management or control of such building, or if the inmate so suffering be himself the occupier, then the person in charge of such inmate, shall, so soon as he shall become aware of the existence in any such inmate of any such disease, forthwith give notice to the medical officer of health or to the inspector of nuisances at his office of the existence in such inmate of such disease :
- (2.) If such inmate be not a member of the family of such occupier or person the head of the family (resident in such building) to which such inmate belongs, or if there be no such head, or if such head be prevented by illness, then such inmate (unless prevented by reason of such disease or of youth), shall, on becoming aware of the existence in such inmate or in his own person, as the

case may be, of such disease, forthwith give notice thereof to such occupier or person :

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- (3.) The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising in the borough forms for the certificate or declaration by such medical practitioner of the particulars herein-after mentioned in relation to such cases, according to the form set forth in the Second Schedule to this Act :
- (4.) Every medical practitioner attending on or called in to visit such inmate shall, on becoming aware that such inmate is suffering from any infectious disease, forthwith fill up, sign, and send to the medical officer of health or to the inspector of nuisances at his office a certificate or declaration stating, according to the forms presented and supplied to him by the Corporation, the name of such inmate, the situation of such building, and the name of such occupier or person, and the nature of the disease from which such inmate is suffering :
- (5.) The Corporation shall pay to every medical practitioner who shall in pursuance of this section duly make and give any such certificate or declaration a fee of two shillings and sixpence for every such certificate or declaration.

And any person who shall willfully and without reasonable cause offend against any of the provisions of this section shall for every such offence be liable to a penalty not exceeding forty shillings.

170. Where the Corporation are of opinion, on the certificate of their medical officer of health or of any other legally qualified medical practitioner, that the cleansing and disinfecting of any house or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease the Corporation, without requiring such owner or occupier to carry out such cleansing and disinfection as aforesaid, may themselves cleanse and disinfect such house or part thereof and articles, and may for that purpose remove any such articles, and may recover the expenses incurred by them in the execution of this section from such owner or occupier, or may, if they see fit, themselves defray such expenses or any part thereof.

Further powers in relation to disinfection of premises.

171. The Corporation may, if they think fit, provide within the borough suitable hospitals for the separate reception and treatment and for the isolation of persons suffering from infectious disease. On the certificate of the medical officer of health or other legally qualified medical practitioner that any person within the borough

Power to provide hospitals for infectious diseases.

A.D. 1880.

is suffering from infectious disease, and is without proper lodging or accommodation enabling the case to be properly isolated so as to prevent the spread of the disease or to be properly treated, the Corporation may give notice to the head of the family (resident in the same building) to which the person so suffering belongs requiring the removal forthwith of such person to any such hospital as aforesaid, or to any place of temporary accommodation provided by them under this Act.

Provided that if there is no such head of the family so resident, or if such head of the family is absent from the borough or cannot be found, such notice may be given to the person so suffering. Any notice under this section shall be sufficiently given by leaving the same addressed to the person to whom it is given upon the premises in which the person suffering as aforesaid is lying.

If the person to whom such notice is given consents the Corporation may forthwith remove the person so suffering to such hospital or place of accommodation as aforesaid, but if the person to whom such notice is given refuses to consent to such removal or to be removed, or is by reason of age, disease, or otherwise incapable of giving such consent, any justice may on the application of the Corporation make an order for the removal of the person so suffering to such hospital or place of accommodation as aforesaid. Such order may be addressed to an officer of the Corporation or to any constable of the borough, and any person who disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding twenty shillings for every day or part of a day during which such disobedience or obstruction continues.

Any expenses incurred by the Corporation in respect of the conveyance of such person to such hospital or place of accommodation, and his maintenance and treatment therein, may be recovered by the Corporation from such person or from his personal representatives in the event of his death therein, or the Corporation may, if they see fit, themselves defray such expenses or any part thereof.

Bodies of persons dying in hospital, &c. of infectious diseases to be removed only for burial.

172. If any person shall die in any such hospital or place of temporary accommodation as aforesaid from any such infectious disease as aforesaid, and the medical officer of health certifies that in his opinion it is desirable, in order to prevent the risk of spreading infection, that the dead body shall not be removed from such hospital or place except for the purpose of being forthwith buried, it shall not be lawful for any person or persons to remove such dead body from such hospital or place except for the last-mentioned purpose, and when the dead body is taken out of such hospital or

[43 & 44 VICT.] *Oldham Improvement Act*, 1880. [Ch. cxlvii.]

place for that purpose it shall be forthwith carried or taken directly to some cemetery or place of burial, and shall be forthwith there buried. Any person wilfully offending against this section shall be liable to a penalty not exceeding fifty pounds. A.D. 1880.

173. The Corporation may make byelaws for the following sanitary purposes: Power to make bye-laws for sanitary purposes.

For regulating the mode of conveyance for the purposes of interment of the body of any person who has died of an infectious disease;

For causing the destruction of articles infected;

For compelling the disinfection of articles and places and prescribing the mode of such disinfection;

For preventing the sale of infected articles;

For giving power of entry for disinfecting purposes;

For preventing the use of public conveyances by persons suffering from infectious diseases;

For preventing infectious rubbish being thrown into ashpits or ashtubs;

and may in and by any such byelaws impose a penalty for every offence not exceeding five pounds, and for a continuing offence a penalty not exceeding that sum for every day or part of a day during which the offence continues.

174. The provisions of section 326 of the Act of 1865 with respect to byelaws shall not apply to any regulations which the Corporation may make under this part of this Act; but the Corporation may cause any such regulations to be published in such manner as they think fit. Section 326 of Act of 1865 not to apply to regulations.

PART IX.—POLICE.

175. Any two justices may, upon the application of the town clerk, from time to time appoint and swear in any person or persons appointed by the Corporation to be a keeper or keepers of any public park within the borough, or any officer or servant, officers or servants, of the Corporation employed in or about any public market within the borough to be a special constable or special constables within such park or market, as the case may be, and within the borough; and every person appointed and acting as a special constable under this Act, and being either in uniform or furnished with his warrant, shall have the powers and immunities enacted by the Act of the first and second years of the reign of His late Majesty King William the Fourth, intituled "An Act for amending the Laws relating to the appointment of Special Constables, and for the better preservation of the peace." Park-keepers and market officers, &c. may be appointed special constables.

1 & 2 Will. 4. c. 41.

A.D. 1880.

Power to
justices to
prohibit
matches, &c.
on Sunday.

176. Any two justices may by order in writing from time to time prohibit the performance on Sundays of any match or game which, in their opinion, may be likely to cause annoyance or disturbance to the public in any public place, or in any private place to which the public may be admitted, whether admission is to be obtained thereto by payment of money or not; and any such order may either be general or may be limited to particular places to be specified, or may prohibit the performance of any particular match or game. Any person performing or authorising or allowing on his premises the performance of any match or game so prohibited shall be liable to a penalty not exceeding twenty pounds, and every person present at the same shall be liable to a penalty not exceeding forty shillings. Reasonable notice shall be given to the occupier of the premises by the applicant for any such order of the intention to apply for the same.

Premises
licensed for
sale of intoxi-
cating liquors
not to be
altered, &c.
without the
consent of
justices.

177. No person who has obtained any license to sell any intoxicating liquor at any place in the borough for consumption on the premises shall after the passing of this Act alter (externally), or shall extend, add to, or take from the premises to which such license applies, except with the previous consent in writing of two justices under their hands, and any person who shall offend against this enactment shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding forty shillings for every day during which such offence shall continue after conviction therefor: Provided that penalties under this section and any other enactment for the same offence shall not be cumulative.

Notice un-
necessary
where appli-
cation made
for renewal
of dancing or
music license.

178. If after the commencement of this Act the holder of any license granted under section 227 of the Act of 1865 intends to apply for a renewal thereof, or for a like license for the same premises for the year ensuing that for which the first-mentioned license was granted, it shall not be necessary for him to give notice of his intention so to apply to the clerk of the justices, anything in the Act of 1865 to the contrary notwithstanding.

Power to
charge for
special ser-
vices of con-
stables.

179. The Corporation may demand and take any sum which they think reasonable in respect of the services of any constable of the borough employed by the authority of the Corporation or of the watch committee on any special duty for the benefit of any individual or of any body other than the Corporation, and all moneys received in respect thereof shall be carried to the borough fund or to the police superannuation fund, as the Corporation may direct.

Application
of section
208 of

180. Every person who commits any of the following offences within any part of the borough shall be deemed to have committed

an offence within section 208 of the Act of 1865; (that is to say,) A.D. 1880.

(1.) Every person who shall bathe in any place or at any time forbidden by an order of the Corporation (which order the Corporation are hereby authorised to make): 28 & 29 Vict.
c. cccxi. to
this Act.

(2.) Every person selling, offering, or exposing for sale any coals, slack, culm, cannel, coke, breeze, or charcoal of any description, in any quantity, and at any house, or in any street within the borough, and who shall not carry and have with him proper scales and weights for weighing the same, and who shall fail to produce such scales and weights when required by any police officer or purchaser, and who refuses to weigh any coal, slack, culm, cannel, coke, breeze, or charcoal on request of the purchaser thereof:

(3.) Every person delivering coals, slack, culm, cannel, coke, breeze, or charcoal of any description, in any quantity, at any time in the borough, who fails to deliver a ticket truly stating the weight thereof:

(4.) Every person who shall play at any game in any street or place so as to obstruct or annoy the passengers or residents therein:

(5.) Every person who shall, in the market-halls or in any street, make loud and unseemly calls, cries, and noises, to the disturbance of the inhabitants and the persons using such market-halls or street:

(6.) Every person who shall in any street, market, market-place, or market-halls, or in any public park or recreation ground, or in any other enclosure, place, building, or erection to which the public are admitted upon or without payment, engage in any fight or brawl, or be guilty of any riotous or indecent behaviour therein:

(7.) Every person who shall ride, drive, or propel any velocipede or any similar mechanical contrivance without sounding a bell and after sunset also carrying a lighted lamp, or who shall at any time within the streets of the borough ride or propel any velocipede or other similar mechanical contrivance at any greater speed than eight miles an hour, or upon the footpath or footway in any street;

(8.) Every person who throws or lays down, or allows to fall, or leaves on any street, any gas tar, gas liquor, mortar, cinders, refuse, rubbish, or other objectionable matter.

181. If three or more persons shall be assembled together in any street at any time of the day or night so as to obstruct the free Penalty on
persons ob-
structing
footpaths.

A.D. 1880. — passage of foot passengers along any footway of such street, or for the purpose of assaulting, insulting, or annoying foot passengers, and if any such person shall not comply with the direction or request of any constable to move away so as to leave the footway clear and unobstructed, or shall assault, insult, or annoy any foot passenger, he shall be liable to a penalty not exceeding five pounds.

Regulations
as to dogs.

182. The following regulations as to dogs shall have effect within the borough ; (namely,)

- (1.) The mayor may issue an order requiring any dog while in the streets and not being led by some person to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction; and during the currency of any order or public notice issued by the mayor directing dogs to be confined or muzzled any constable may take possession of any dog found in a street without such muzzle, and may detain such dog until the owner has claimed it and has provided a proper muzzle for it and has paid all charges and expenses connected with such detention :
- (2.) When any dog taken possession of by any constable wears a collar with the address of any person inscribed thereon, a letter stating the fact of such dog having been taken possession of shall be sent by the chief constable by post to the address inscribed on the collar :
- (3.) The chief constable may cause any dog which has remained in the possession of any constable for seven clear days without the owner claiming the same and paying all charges and expenses incurred by its detention to be sold or destroyed :
- (4.) Any moneys arising from the sale of any dogs beyond satisfying the charges and expenses incurred shall be paid over to the borough treasurer in aid of the borough fund :
- (5.) All dogs detained under this section shall be properly fed and maintained.

Power for
Corporation
to provide
advertising
places.

183. The Corporation may provide and maintain in such places as they think fit, but not on any private land of a railway or canal company forming the approach to any railway station, or upon or attached to any work, building, or erection belonging to or occupied by or for the purposes of a railway or canal company, boards or conveniences for reception of advertisements, placards, and bills to be affixed thereto, and may from time to time make regulations respecting the use of any such board or convenience; and they may make such charges as they think reason-

able for the use of any space on any such board or convenience, and if any person uses any such board or convenience without paying the charge payable in respect of the use thereof he shall for every such offence be liable to a penalty not exceeding five pounds, without prejudice to any remedy of the Corporation for the recovery of the charge.

A.D. 1880.

184. If any person destroys, pulls down, injures, or defaces any such board or convenience, or any advertisement, placard, or bill affixed thereto, or any placard or notice issued and put up by or under the direction of the Corporation, or any notice of the position of a fire-plug, 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 for every such offence be liable to a penalty not exceeding forty shillings.

Penalty on pulling down notice boards.

185. If any person affixes to any house, wall, board, or convenience, or delivers or exhibits to any inhabitant or passenger in or near to any street, any bill or printed or written paper (whether enclosed in a sealed or other envelope, or not) of an obscene, indecent, or offensive nature, or referring to any disease of a loathsome or secret kind, or to any cure for any such disease, he shall for every such offence be liable to a penalty not exceeding forty shillings, or, in the discretion of the justice before whom he is convicted, to imprisonment for any term not exceeding one month, with or without hard labour.

Prohibition of obscene bills, &c.

PART X.—FIRE.

186. The payments which by the 257th section of the Act of 1865 the Corporation are authorised to make to superintendents and firemen shall be deemed to include such sums as the Corporation from time to time think fit to pay to any superintendent or fireman as compensation for personal injury received by him in the discharge of his duty; and if any superintendent or fireman loses his life or dies from the effect of any injury received by him in the discharge of his duty the Corporation may, if they think fit, give to his widow and children (if any), or any of them, such compensation by way of annuity or otherwise as the Corporation think fit.

Allowance to fire brigade for personal injury and compensation to widows, &c. in case of death.

187. The Corporation may from time to time, if they think fit, grant to any present or future superintendent of firemen, or fireman of the borough, who may become incapable of discharging with efficiency the duties of his office by reason of old age or of permanent infirmity in mind or body, an annual allowance upon his resigning or otherwise ceasing to hold his office, and the

Power to grant superannuation allowance to fire brigade.

A.D. 1880. — allowance may be of an annual amount not exceeding two-thirds of his then salary or other fixed remuneration from the Corporation, and may be granted to him upon such terms and conditions, and to continue for such period during his lifetime, as the Corporation think fit, and the allowance so granted shall be paid out of the rate or rates out of which and in like manner as his salary and remuneration would have been payable if he had continued in his office.

PART XI.—WEIGHTS AND MEASURES.

Weights and measures, &c. **188.** The Corporation may from time to time provide such weights and measures, and weighing and measuring apparatus, and such weighbridges and weighing machines, buildings, and places for weighing and measuring, as they think proper and sufficient for the borough, and the same respectively shall be deemed to be part of the market places; and the Corporation may appoint and employ such and so many persons to attend thereto as they from time to time think fit.

Weighing and measuring tolls. **189.** The Corporation may from time to time demand and take in respect of the weighing and measuring of articles and things, and in respect of the use of their weighbridges and weighing machines, such tolls as the Corporation from time to time appoint, not exceeding the tolls specified in the Sixth Schedule to the Act of 1865.

PART XII.—SLAUGHTER-HOUSES.

Notice to be given in case of change of occupation of a slaughter-house. **190.** Upon any change of occupation of any building within the borough licensed for use and used as a slaughter-house the person thereupon becoming the occupier shall give notice in writing of the change of occupation to the inspector of nuisances, and in case he fails or neglects to give such notice within one month after the change of occupation occurs he shall be liable to a penalty not exceeding five pounds.

Corporation may revoke slaughter-house license if occupier convicted of selling, &c. diseased meat. **191.** If the occupier of any building licensed to be used as a slaughter-house shall, after the commencement of this Act, be convicted of selling or exposing for sale, or for having in his possession or on his premises, the carcase of any animal, or any piece of meat, or any flesh diseased or unsound, or unwholesome, or unfit for the use of man, the Corporation may, if they think fit, by order revoke the license to use such building as a slaughter-house, and they may thereafter refuse, if they think fit, to grant a license for the use as a slaughter-house of any building belonging to or occupied by, or which they may reasonably believe is intended to be occupied by, the person so convicted.

PART XIII.—RECREATION GROUNDS.

A.D. 1880.

192. The Corporation may use and appropriate as a place or places of public resort or recreation, or for the enlargement or improvement of or of the approaches to any such place or places, or for any other purpose beneficial to the inhabitants within the borough, any lands which under the powers of the recited Acts or this Act they may have purchased or acquired, or may hereafter purchase or acquire, and which may not be required for the particular purpose (if any) for which the Corporation were or are authorised to purchase or acquire such lands; and the provisions of the recited Acts and of the Lands Clauses Consolidation Act, 1845, with respect to the sale of such lands or of superfluous lands shall not apply to or in the case of any lands so used and appropriated, or to the Corporation in respect thereof.

Corporation may appropriate lands purchased for other purposes as recreation grounds.

PART XIV.—TRAMWAYS.

193. The carriages used on the tramways may, subject to the provisions of this Act, be moved during a period of seven years after the opening of the same for public traffic and, with the consent of the Board of Trade, during such further periods, not exceeding seven years, as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary to the said Board, by steam power or any mechanical power: Provided always, that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall not, without the consent of the Corporation in writing (which consent may be given subject to such conditions as to the repair of roads or otherwise, and restrictions, as the Corporation think fit), be exercised by any company or person or persons, and that the exercise of such powers shall be subject to the regulations set forth in the Third Schedule to this Act annexed, and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time, as and when they may think fit, for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of steam or any mechanical power on the tramways.

Carriages may be moved by steam or mechanical power.

194. Any company or person using steam or any mechanical power on any of the tramways contrary to the provisions of this Act, or to any of the regulations set forth in the Third Schedule to this Act annexed, or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the

Penalty for using steam or mechanical power contrary to order or regulations.

A.D. 1880. — authority of this Act, shall for every such offence be subject to a penalty not exceeding ten pounds, and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues: Provided always, that whether any such penalty has been recovered or not the Board of Trade, in case in their opinion the company or person using steam or any mechanical power on the tramways under the authority of this Act have or has made default in complying with the provisions of this Act, or with any of the regulations set forth in the Third Schedule to this Act annexed, or with any regulations which may have been added thereto or substituted therefor as aforesaid, may by order direct such company or person to cease to exercise the powers aforesaid, and thereupon such corporation, company, or person shall cease to exercise the powers aforesaid, and shall not again exercise the same or any of the same unless with the authority of the Board of Trade, and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws.

195. Subject to the provisions of this Act, the Board of Trade may from time to time make, and when made may rescind, annul, or add to byelaws with regard to any of the tramways upon which steam or any mechanical power may be used under the authority of this Act for all or any of the following purposes; (that is to say,)

- (1.) For regulating the use of the bell, whistle, or other warning apparatus fixed to the engine:
- (2.) For regulating the emission of smoke or steam from engines used on the tramways:
- (3.) For providing that engines and carriages shall be brought to a stand at the intersection of cross streets, and at such places, and in such cases of horses being frightened, or of impending danger, as the Board of Trade may deem proper for securing safety:
- (4.) For regulating the entrance to, exit from, and accommodation in the carriages used on the tramways, and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages:
- (5.) For providing for the due publicity of all regulations and byelaws in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

Penalty for breach of byelaws.

196. Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the

[43 & 44 VICT.] *Oldham Improvement Act*, 1880. [Ch. cxlvii.]

authority of this Act shall be liable to a penalty not exceeding forty shillings. A.D. 1880.

The provisions of the Tramways Act, 1870, with respect to the recovery of penalties shall apply to any penalty under this Act, and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act. 33 & 34 Vict.
c. 78.

197. The provisions of the Tramways Act, 1870, relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway shall not authorise the Corporation to make any byelaws sanctioning a higher rate of speed than that authorised by this Act, or by any regulation made by the Board of Trade under the authority of this Act, at which engines are to be driven or propelled on the tramways under the authority of this Act, but the Corporation may, if they think fit, make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed. Amend-
ment of
33 & 34 Vict.
c. 78. as to
byelaws
by local
authority.

198. All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board of Trade, and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Act. Orders, &c.
to be signed
by Board of
Trade.

199. Where any company or person intend to use steam or any mechanical power under the authority of this Act on the tramways or any part thereof they or he shall give two months previous notice of such intention to the Corporation. As to con-
tracts with
road autho-
rities where
steam or
mechanical
power is to
be used.

Where at the time of giving of any such notice any license, contract, agreement, or arrangement is in force with respect to the user by the company or person giving the notice, or the paving and keeping in repair of the whole or any part of the roadway of any road upon which such tramways, or such part of such tramways, are or is laid, or with respect to the payment by the company or such person to the Corporation of any annual or other sum in relation to such user, paving, and keeping in repair of such road, then and in every such case, with the consent of the Board of Trade, it shall be lawful for the company or person giving the notice, by such notice, or for the Corporation, by notice to be served upon such company or person not later than forty days after the receipt by the Corporation of such first-mentioned notice, to determine such license, contract, agreement, or arrangement, and thereupon such license, contract, agreement, or arrangement shall, from and after the commencement of the use of steam or any mechanical power upon such tramways, or such part thereof, be determined and of no effect.

A.D. 1880.

PART XV.—ENLARGEMENT OF CHADDERTON CEMETERY.

Corporation
may enlarge
cemetery.

200. The Corporation, for the purpose of enlarging their Chadderton cemetery, may add thereto all or any part of the lands in that behalf delineated on the deposited plans and described in the Fourth Schedule to this Act, and the lands so added shall thenceforth form part of the said cemetery and be under the jurisdiction and control of the Corporation accordingly.

Cemetery
not to be
enlarged
without
consent.

201. Nothing in this Act shall empower the Corporation to enlarge their Chadderton cemetery within three hundred yards of any house of the annual value of fifty pounds, or of any garden or pleasure ground occupied therewith, except with the consent of the owner, lessee, and occupier thereof in writing.

PART XVI.—LANDS AND EXECUTION OF WORKS.

Incorporation of
8 & 9 Vict.
c. 18.,
23 & 24 Vict.
c. 106., and
32 & 33 Vict.
c. 18.

202. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (save so far as the same are varied by or inconsistent with this Act) are incorporated with and form part of this part of this Act.

Power to
purchase
lands.

203. Subject to the provisions and for the purposes of this Act the Corporation may from time to time enter upon, take, and use all or any of the lands shown on the deposited plans and described in the deposited book of reference.

Correction
of errors,
omissions,
&c.

204. If any omission, mis-statement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands described or intended to be described in the deposited plans or book of reference, the Corporation may apply to two justices for the correction thereof after giving ten days notice to the owners, lessees, and occupiers of the lands affected by the proposed correction; and if it appears to the justices that the same arose from mistake they shall so certify, stating the particulars thereof; and their certificate shall be deposited (as regards both the county and the parish) as if the same had originally formed part of the deposited plans or book of reference (as the case may be), and shall be kept therewith, and shall be deemed to be part thereof, and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Corporation may enter on, take, hold, and use the lands to which the certificate relates accordingly.

Period for
compulsory
purchase of
lands.

205. The powers of the Corporation for the compulsory purchase of lands under this Act shall not be exercised after the expiration of seven years from the commencement of this Act.

206. The Corporation shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses; and the Corporation shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

A.D. 1880.
Notice to be given of taking houses of labouring classes.

207. The Corporation may from time to time, if and when they think fit, appropriate any lands acquired by them under the powers of this Act, and which may not be required for the works and purposes by this Act authorised, for the purpose of the erection of dwelling-houses or buildings for persons belonging to the labouring classes whose dwellings may be required for the works or purposes by this Act authorised; and before displacing any person or persons belonging to the labouring classes who may for the time being be the occupier or occupiers of any house or part of any house which the Corporation are by this Act authorised to acquire they shall procure sufficient accommodation elsewhere for such person or persons, unless the Corporation and such person or persons otherwise agree: Provided always, that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice.

Power to appropriate lands for the erection of dwelling-houses for the labouring classes.

208. The Corporation may take by agreement, and any person by the Lands Clauses Consolidation Act, 1845, enabled to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Corporation, any easement, right, or privilege required for the purposes of this Act in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Power to take easements, &c.

209. The Corporation, whenever they are by any enactment required to make compensation to any person interested in any lands or buildings, may by agreement with such person make such compensation wholly or partly in works or land.

Compensation may be in land or works.

210. Subject to the provisions of this Act, the Corporation from time to time, if and when they think fit, may sell or exchange all or any part of any lands acquired by them under the provisions of this Act and not required by the Corporation, or they may lay

Corporation may sell or lease lands not required by them.

A.D. 1880. out the same for building purposes, and sell or exchange the same, or at their option they may demise or grant upon lease for any yearly rent, with or without fine, for such estate, term, or interest, and to such persons, and with, subject to, on, and under such reservations, covenants, terms, and conditions as the Corporation think fit (and, in case of sale, in consideration of a gross sum or of an annual rent, or of both, or of any payment in any other form), all or any part of such lands, and the Corporation may make any such sale or lease by public auction, public tender, or private contract, and with or without special conditions and stipulations as to evidence or commencement of title, or otherwise, and may fix reserved biddings and prices, buy in at auctions, and alter or rescind on terms or gratuitously any contract or agreement for sale or lease, and the consideration or rent fixed thereby, and accept surrender of any lease, and either before or after such conveyance or lease is granted may in like manner sell and dispose of any rent reserved or agreed to be reserved for any such lands, and the reversion and inheritance in fee simple in possession (subject to any such lease or agreement of or concerning such lands) of any such lands, and execute and do all deeds and things necessary to effect the several purposes aforesaid. In any case in which under the provisions of the Municipal Corporations Acts or of this Act the Corporation have power to sell any lands such power shall extend to the sale or the granting of building leases of such lands upon chief or ground rent and to the sale of any chief or ground rents reserved or made payable on the same or any other sale or lease of lands. Any sum received in respect of the sale of any land or rent, and all premiums and fines on leases under the provisions of this section, shall be carried by the Corporation to capital account and shall be applied in paying off the debts of the Corporation. Section 290 of the Act of 1865 shall apply in the case of all lands referred to in this section as if such lands had been acquired by the Corporation under that Act.

Compensation to be made in respect of lands taken, &c. for works.

211. With respect to the works by this Act authorised the Corporation shall make to the owners and occupiers of and all other parties interested in any lands taken or used for the purposes of any such works, or injuriously affected by the construction thereof, full compensation for the value of the lands so taken or used, and for all damage sustained by such owners, occupiers, and other parties by reason of the exercise of the power of constructing any such works; and the amount of such compensation shall in case of difference be ascertained and determined in the manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement.

212. If the reservoirs authorised by this Act are not completed within ten years from the passing of this Act, or if the other works authorised by this Act are not completed within fifteen years from the passing of this Act, then on the expiration of that time the powers by this Act granted to the Corporation for executing the respective works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed; but nothing in this section shall restrict the Corporation from extending, enlarging, altering, or removing any of their engines, machinery, mains, or pipes, or improving their supply of water, at any time and from time to time as occasion requires.

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Period for
completion
of works.

213. In the construction of the works authorised by this Act the Corporation may deviate laterally from the lines of the respective works as shown on the deposited plans to the extent of the limits of lateral deviation marked in each case thereon, and may deviate vertically from the levels shown on the deposited sections in the case of reservoirs to any extent not exceeding five feet upwards or ten feet downwards, and in the case of other works to any extent not exceeding five feet upwards or seven feet downwards.

Limits of
deviation.

214. The site and soil of all streets, roads, lanes, courts, paths, and passages comprised within the limits of the land to be acquired under this Act, as marked upon the deposited plans, and the fee simple and inheritance thereof, shall from and immediately after the purchase by the Corporation in fee simple of the lands on both sides thereof, and of any private rights of way over the same, be wholly and absolutely vested in the Corporation, free from any rights of way or passage, or any other rights, whether public or private, over the same: Provided that nothing contained in this section shall vest, or be deemed or construed to vest, in the Corporation any mines or minerals lying under the site and soil of any such streets, roads, lanes, courts, paths, or passages.

Site and soil
of streets,
&c. acquired
to vest in
Corporation.

215. Nothing in this Act shall authorise or empower the Corporation to construct any gasworks or sewage works, or works for the manufacture or conversion of the residual products, upon lands upon which they may not now lawfully construct such works respectively.

Act not to
authorise
construction
of gasworks,
&c. except
upon autho-
rised lands.

PART XVII.—FINANCIAL.

216. The Corporation may apply for any purposes of this Act any moneys which by the Acts of 1865, 1870, and 1875, or any of those Acts, they were authorised to borrow, and which may not be

Power to
apply cor-
porate funds.

A.D. 1880. required for the special purposes (if any) for which the same were authorised to be borrowed, and any moneys authorised to be borrowed by this Act which may not be required as aforesaid may be applied by the Corporation for any purposes of the Acts of 1865, 1870, 1875, or any of those Acts.

Further
borrowing
powers.

217. In addition to any sums which the Corporation are now authorised to borrow they may from time to time, for or in connexion with the purposes herein-after mentioned, including in each case such part (if any) as the Corporation think fit of the costs, charges, and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act, borrow at interest on the security of the borough fund and the rates and revenues of the Corporation, or any of those securities, any sum or sums not exceeding the sums herein-after specified, and may mortgage the borough fund and their rates and revenues to secure the repayment thereof with interest accordingly; that is to say,

	£
For the enlargement of the town hall - - -	30,000
For waterworks - - - - -	100,000
For providing electric and other lighting, heating, and motive power - - - - -	5,000
For street improvements, new streets and buildings, and the purchase of tolls on Shaw Road - - - - -	50,000
For private street improvements and works - - -	50,000
For sewers, sewage, and nightsoil works - - -	100,000
For public slaughter-houses - - - - -	10,000
For markets - - - - -	10,000
For the extension of Chadderton cemetery - - -	5,000
For reference and free libraries, and museum of arts and sciences - - - - -	10,000

And in calculating the sum which the Corporation may borrow under any other enactment any sums which they may borrow under this Act shall not be reckoned, nor shall the powers of the Corporation as to borrowing or re-borrowing be restricted by any of the provisions of the Public Health Acts.

Power to
borrow
further sums
with approval
of Local
Government
Board.

218. In addition to the moneys which by the last preceding section the Corporation are authorised to borrow they may from time to time, with the approval of the Local Government Board, borrow at interest on the securities mentioned in the last preceding section, or any of them, such sum or sums of money as they may require for any of the purposes for which money is by this Act authorised to be borrowed: Provided that sub-section 2 of section 292

of the Act of 1865 shall be incorporated with and form part of this Act, and shall apply to any increase or addition made under the authority of or for the purposes of this Act, or any of them, to any borough rate levied within the borough. A.D. 1880.

219. Sections 317, 318, 321 to 325, both inclusive (except the paragraph numbered (4) of section 323), and 362 of the Act of 1865, and section 41 of the Act of 1875, shall apply to all money to be borrowed and to all mortgages to be granted by the Corporation under the foregoing provisions of this Act. Application of provisions of former Acts as to borrowed money and mortgages.

220. With respect to coupons for interest on mortgages the following provisions shall have effect; (that is to say,) Provisions as to coupons for interest on mortgages.

(1.) The Corporation may from time to time, if they think fit, issue to holders of mortgages of the Corporation coupons for the interest from time to time to fall due on such mortgages, which coupons may be in such form as the Corporation from time to time think fit, and may be made payable to the bearer of each coupon or to the person named therein, or his order :

(2.) Every coupon shall refer to the mortgage to which it relates, and specify the amount and time of payment of one-half year's interest, to fall due on the principal money secured by such mortgage, and shall be authenticated by the signature of the town clerk, or in such other manner as the Corporation may from time to time determine, and shall bear the common seal of the Corporation :

(3.) On presentation to the treasurer of any such coupon he shall pay to the person presenting the same the amount of interest in such coupon specified to be payable :

(4.) The coupon shall be accepted in the audit of the accounts of the treasurer as a voucher for the payment of the sum for which the coupon was issued :

(5.) The treasurer shall not be bound to pay any coupon unless upon its presentation there be money of the Corporation in his hands applicable in that behalf.

221. The Corporation may from time to time resolve that any portion of their debt then subsisting on security of outstanding mortgages or bonds of the Corporation, or that any annuities issued by them not exceeding an amount to be defined in and by such resolution, may be converted into stock of the Corporation of like amount, either by agreement with the holders of such mortgages, bonds, or annuities, or by paying off the same respectively, when due, and issuing stock of a corresponding amount instead of re-borrowing the sums so paid off, and may also from time to time Power to issue debenture stock.

A.D. 1880. — resolve that the whole or any part to be defined in and by such resolution of the moneys which the Corporation shall have authority to raise by borrowing under the powers of any of their former Acts, including this Act, and which shall not then have been raised, shall or may be raised by the creation and issue of stock of a corresponding amount instead of borrowing the same, and the stock when so created shall be termed "The Oldham Corporation Debenture Stock."

Provisions
as to debenture
stock.

222. The following provisions shall apply to stock so created and issued and to the holders thereof; (that is to say,)

- (1.) Any of the stock shall bear such fixed and perpetual interest as the Corporation by the resolution creating the same shall determine:
- (2.) The interest shall be payable at the office of the treasurer half-yearly on the first day of January and the first day of July, unless either of such days shall fall on a Saturday or Sunday, or a day observed as a public holiday at the Bank of England, and in any such case on the following day, unless such following day be a Sunday, and then on the following Monday:
- (3.) The Corporation shall keep a book to be called "The Register of Holders of Oldham Corporation Debenture Stock," and in such book shall be fairly and distinctly entered from time to time the names of the several Corporations, and the names and addresses of the several persons respectively entitled to stock, together with the amount of the stock to which such holders shall be respectively entitled, and the surnames or corporate names of such holders shall be placed in alphabetical order, and every holder (and if such holder be a corporation, the clerk or agent of such corporation) may at all convenient times peruse such books gratis, and may require a copy thereof, or of any part thereof, and for every one hundred words so required to be copied the Corporation may demand a sum not exceeding sixpence:
- (4.) If any stockholder be by reason of infancy or lunacy unable to give an effectual receipt the receipt in writing of the guardian or committee of his estate shall be a sufficient discharge to the Corporation:
- (5.) The stock shall in all respects, both at law and in equity, be substituted for and represent the mortgage debts or annuities in exchange for or in lieu of which the same shall be granted as aforesaid, and shall be a charge upon the property rates and funds upon which such mortgage

debts or annuities are charged, or, if the stock be created in lieu of borrowing money, upon the borough fund and the rates and revenues of the Corporation, and the several parties to whom such stock shall be issued shall be possessed thereof upon the same trusts and subject to the same powers, provisions, charges, and liabilities as those upon and to which their respective mortgage debts or annuities were immediately before such exchange thereof held and subject, and such stock shall accordingly pass or be affected by any will or other instrument disposing of or affecting such mortgage debts or annuities :

- (6.) The Corporation shall on demand deliver to each holder of stock a certificate under their common seal, stating the amount of stock held by him, and the certificate may be in the form in the Fifth Schedule to this Act annexed, or to the like effect, and for such certificate the Corporation may demand any sum not exceeding two shillings and sixpence :
- (7.) The certificate of any stock shall be admitted in all courts as *prima facie* evidence of the title of the holder thereof to the stock therein specified :
- (8.) If the certificate of any stock be worn out or damaged, then, on its being produced to the Corporation, they may order it to be cancelled, and thereupon they shall issue a similar certificate to the person then entitled to the certificate so worn out or damaged, or if any such certificate be lost or destroyed, then, on proof thereof to the satisfaction of the Corporation, they shall issue a similar certificate to the person then entitled to the certificate so lost or destroyed, and in either case a due entry of the substituted certificate shall be made by the Corporation in the register of stock, and for every such substituted certificate the Corporation may demand any sum not exceeding two shillings and sixpence :
- (9.) Stock shall be, and be transmissible and transferable as, personal estate :
- (10.) No holder of any portion of stock shall have any priority or preference by reason only of the creation or issue of such portion of stock before the creation or issue of any other portion of stock :
- (11.) The Corporation shall not be bound to pay the interest of any stock until the person entitled thereto shall have demanded a certificate thereof, and no such interest in

A.D. 1880.

arrear and not wrongfully withheld by the Corporation shall bear interest.

Transfer of
stock.

223. With respect to the transfer of stock the following provisions shall have effect; (that is to say,)

- (1.) Stock may be transferred in any amount, and every such transfer shall be by deed duly stamped, in which the consideration shall be truly stated, and such deed may be according to the form in the Sixth Schedule to this Act annexed, or to the like effect:
- (2.) The Corporation shall keep a book, to be called "The Register of Transfers of Oldham Corporation Debenture Stock," and every such deed of transfer, when duly executed, shall be delivered to and be kept by the Corporation, and they shall enter a memorial of every such deed of transfer in such book, and shall endorse such entry on the deed of transfer (such endorsement to be signed by the town clerk), and shall on demand deliver a new certificate to the transferee, and for every such entry of a deed of transfer with such endorsement, and with or without such certificate, may demand any sum not exceeding two shillings and sixpence, and on the request of any transferee an indorsement of the transfer to him shall be made on the certificate of the stock transferred instead of a new certificate being granted, and such indorsement, being signed by the town clerk, shall be considered in every respect the same as a new certificate, and until such deed of transfer be so delivered to the Corporation the transferee shall not be entitled to receive any part of the interest on the stock transferred:
- (3.) The Corporation may close the register of transfers for any period not exceeding fourteen days before the twenty-fifth day of March and the twenty-ninth day of September yearly, and any transfer made during the time when that register is closed shall as between the Corporation and the transferee, but not otherwise, be deemed made after that time:
- (4.) If any stock become transmitted in consequence of the death or bankruptcy of any holder thereof, or in consequence of the marriage of a female holder thereof, or by any lawful means other than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing as by this Act provided, and until the transmission be so authenticated

any person claiming by virtue thereof shall not be entitled to receive any interest or any part of the stock transmitted : A.D. 1880.

(5.) Every such declaration shall state the manner in which and the party to whom the stock is transmitted, and shall be made and signed by some credible person before a justice or before a commissioner to administer oaths in Her Majesty's High Court of Justice in England, and such declaration shall be left with the Corporation, and thereupon they shall enter the name of the person entitled under such transmission in the register of transfers, and for every such entry the Corporation may demand any sum not exceeding five shillings :

(6.) If the transmission be in consequence of the marriage of a female stockholder the declaration shall contain a copy of the register of such marriage or other particulars of the declaration thereof, and shall declare the identity of the wife with the holder of the stock, and if the transmission be by virtue of any testamentary instrument, or by intestacy, the probate of the will, or the letters of administration, or an official extract therefrom, shall, with the declaration, be produced to the Corporation, who shall, upon such production in either of those cases, make an entry of the declaration in the register of transfers, and for every such entry the Corporation may demand any sum not exceeding five shillings :

(7.) Upon any sub-division of stock by transfer thereof, or of any part thereof, the Corporation may, upon the delivery up to them of the original certificate, grant to the transferees, or persons entitled, new certificates for the portions of stock to which they are respectively entitled, and for every such certificate the Corporation may demand any sum not exceeding two shillings and sixpence.

224. If the interest of any stock, or any part thereof, being payable, be not paid upon demand thereof in writing made to the Corporation by the holders thereof such holders may sue for and recover the same with full costs of suit in any court of competent jurisdiction. Interest on stock recovered by suit.

225. If within one month after the interest on any stock or any part thereof has become payable, and after demand thereof in writing it be not paid, the holder thereof, without prejudice to his right to sue for the amount in arrear in any court of com- Receiver may be appointed if arrears remain unpaid for the time prescribed.

A.D. 1880.

petent jurisdiction, may require the appointment of a receiver by an application to be made as in this Act provided.

Mode of
appointment
of receiver.

226. Every application for a receiver shall be made to two justices, and on such application such justices, by order in writing, after hearing the parties, may appoint some person to receive the whole or a competent part of the funds and rates liable to the payment of the interest on the stock, until the interest in arrear, and all costs, including the costs of receiving such funds and rates, be fully paid, and upon such appointment being made all such funds and rates as aforesaid shall be paid to and received by the person so appointed, who is hereby empowered to give good and sufficient discharges for the same, and the money so to be received shall be so much money received by or to the use of the several stockholders interested in the same, and shall be distributed by the receiver accordingly, and after all interest in arrear and costs shall have been paid the power of the receiver shall cease.

Corporation
may redeem
debenture
stock.

227. The Corporation may by agreement with any stockholder, at any time if they think fit, redeem or purchase any portion of the stock, and when any portion is so redeemed or purchased an entry of the redemption or purchase thereof shall be made in the register of stockholders, and thereupon such redeemed or purchased portion shall be wholly extinguished.

Saving
rights.

228. The stock to be created as aforesaid shall be subject to the mortgages, bonds, and annuities at present existing or to be created under the powers of this Act, and affecting the respective securities on which the said stock is charged.

Restricting
exercise of
borrowing
powers.

229. After the conversion of any such mortgages, bonds, or annuities into stock, or after any money shall have been raised by the Corporation by the issue of stock, it shall not be lawful for the Corporation to issue mortgages, or annuities, bonds, or any other securities for the amount so converted or raised, or again to borrow the same, but the powers of borrowing by the Corporation shall to that extent be extinguished.

Application
of money
raised.

230. When any stock has been created and issued under this Act, in order to raise any portion of a loan authorised by any of the former Acts, or by this Act, the money raised thereby shall be applied for the purposes to which such loan is legally applicable.

Further
provisions
as to stock
certificate.

231. If the certificate of any stock bear the common seal of the Corporation it shall not be necessary for any person or body to inquire whether the moneys mentioned in the certificate are within the borrowing powers of the Corporation.

232. Any person who holds any security or annuity granted by the Corporation before the passing of this Act, and who is one of the persons enabled by the Lands Clauses Consolidation Act, 1845, section seven, to sell land under that Act, may, in the manner and to the extent in the said section provided, consent to any arrangement authorised by this Act for the conversion of such security or annuity into stock.

A.D. 1880.
—
Consent of trustees of incapacitated persons, &c. to conversion.

233. All moneys borrowed or reborrowed by the Corporation under the authority of this Act may be borrowed and reborrowed for any terms not exceeding the terms by this Act prescribed in that behalf in the case of the original loan, and, subject as aforesaid, may be repaid by yearly or half-yearly instalments, or by means of sinking funds: Provided that, when the payment shall be made by instalments, the instalment or instalments payable in each year, together with the interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part, shall in every year amount to the same sum.

Borrowed money may be repaid by instalments.

234. With respect to sinking funds for the repayment of such of the moneys borrowed under the powers of this Act (other than moneys reborrowed under this Act for the purpose of paying off, or in lieu of moneys borrowed under any Act or Acts passed before the passing of this Act) as are not repayable by instalments, and for the redemption of stock (other than stock created for the purpose of paying off, or in lieu of moneys borrowed under such former Act or Acts), the following provisions shall have effect; (namely,)

Sinking funds.

In order to discharge such moneys and to redeem the stock the Corporation shall in every year out of the revenue funds and rates on which such moneys and stock are respectively charged appropriate and set apart certain sums to form sinking funds, which sums may be accumulated at interest in the hands of the bankers of the Corporation until they shall have amounted to the sum of five thousand pounds, and so soon as the same shall have so accumulated they shall be invested from time to time and accumulated in the way of compound interest by investing the same respectively in such securities as trustees are by law for the time being authorised to invest trust moneys in or on security of mortgages, debentures, debenture stock, or annuity certificates granted or issued under any Act (including this Act) under which the Corporation are authorised to borrow money. The sums of money so to be set apart shall be such as if invested in the way of compound interest at four pounds per centum per annum would, with the accumulations thereof, be sufficient, after payment of all expenses, to pay off such

A.D. 1880.

moneys and to redeem the stock at par in the following periods; (that is to say,)

As to moneys borrowed and stock created for the purpose of providing electric and other lighting, heating, and motive powers in ten years, and as to money borrowed and stock created for the purpose of waterworks in seventy years, and as to money borrowed and stock created for any other purposes of this Act in sixty years, from the date of the borrowing of such moneys respectively, or the creation of such stock, as the case may be;

And with respect to moneys borrowed and stock created under this Act for the purpose of paying off, or in lieu of moneys borrowed under any such former Act or Acts as aforesaid, and with respect to moneys borrowed or reborrowed under any such former Act or Acts as aforesaid, the Corporation shall, in order to discharge the moneys so borrowed or reborrowed, and to redeem such last-mentioned stock, set aside, or continue to set aside, as the case may be, the annual sums which by such former Act or Acts they are required to set aside for a sinking fund which may be accumulated and invested either in like manner as in section 39 of the Act of 1875 is provided respecting the sinking fund thereby directed to be created, or in like manner as herein-before is provided respecting the sinking fund hereby directed to be created for the repayment of moneys authorised to be borrowed by this Act, and shall be applied, after payment of all expenses, in paying off the moneys so borrowed or re-borrowed, and in redeeming such last-mentioned stock in the periods limited for the repayment of those moneys by the Act under which such moneys were borrowed; and the Corporation shall create separate sinking funds with respect to all borrowed moneys or stock which are herein-before directed to be paid off or redeemed, as the case may be, within different periods:

Provided, as follows; (that is to say,)

The Corporation may at any time apply the whole or any part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart, or to the redemption of the stock, in such order and manner as they deem proper: Provided that in such case they pay into such sinking fund in each year afterwards, and accumulate, as herein-before prescribed, until the whole of the borrowed moneys or stock to which such sinking fund is applicable are discharged or redeemed, a sum equal to the interest produced by the sinking fund or part thereof so

applied, or by the stock so redeemed: Provided also, that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of such mortgages then outstanding, or of the stock then subsisting, the Corporation may, in lieu of investing the said yearly income, apply the same in payment of such interest, and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto: Provided also, that any mortgages, debentures, debenture stock, and annuity certificates granted or issued by the Corporation, and in or upon which they shall invest any sinking fund, shall upon such investment be ipso facto cancelled. A.D. 1880.

235. The town clerk shall, within twenty-one days after the expiration of each year during which any sum is required to be paid as an instalment or to be set apart for any sinking fund under this Act, transmit to the Local Government Board a return in such form, and verified in such manner, as that Board may from time to time prescribe, showing the amount which has been paid by instalments, or invested for the purpose of such sinking fund during the year next preceding the making of such return, and the description of the securities upon which the same has been invested, and the purposes to which any portion of the moneys invested for the sinking fund, or the interest thereof, has been applied during the same period, and the total amount (if any) remaining invested at the end of the year; and in the event of any wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds. If it appears to the Local Government Board by such return, or otherwise, that the Corporation have failed to pay any instalment or 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, or the interest thereof, to any other purposes than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested or applied by the Corporation as part of the sinking fund, and any such order may be enforced by Mandamus, to be obtained by the Local Government Board.

Annual return to Local Government Board with respect to sinking funds.

236. Notwithstanding anything in any or either of the former Acts, if the Corporation pay off any moneys otherwise than by means of a sinking fund, or by instalments out of the proceeds of the sale of land acquired under the powers of this Act, or any of their former Acts, or premiums or fines on leases, they may re-borrow the same, and so from time to time: Provided that all

Power to re-borrow.

A.D. 1880. moneys reborrowed shall be repaid within the period prescribed in the case of the original loan.

Corporation may borrow on specific securities.

237. All moneys borrowed or reborrowed by the Corporation otherwise than by means of debenture stock may be borrowed and reborrowed on the security of all, or any, or any specific part or parts of the securities upon which such moneys are authorised to be charged, anything in any former Act or Acts to the contrary notwithstanding.

Corporation not to regard trusts.

238. The Corporation shall not be bound to see to the execution of any trust, whether expressed or implied or constructive, to which any loan or security for loan given by them may be subject, but the receipt of the person in whose name any loan or security for loan stands in the register book of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof, notwithstanding any trusts to which such loan or security may be subject, and whether or not the Corporation have had express or implied notice of any such trust, or of any charge or incumbrance upon or transfer of such loan or security, or any part thereof, or interest thereon, not entered on their register; and the Corporation shall not be bound to see to the application of the money paid on any such receipt, or be answerable or accountable for any loss, misapplication, or non-application of any such money.

Land sold to be free from loans and consolidated stock.

239. When any land, rents, or property is or are sold, demised, or otherwise disposed of by the Corporation, the same shall, in the hands of any person or body corporate to whom the same shall have been sold, and his or their heirs, executors, administrators, successors, and assigns, be absolutely free from all claims, charges, or obligations in respect of any mortgage, debenture, debenture stock, or annuity certificate granted or issued under the Acts of 1865, 1870, and 1875, or under this Act; and such person or body corporate shall not be bound to see to or to inquire into the application by the Corporation of the money arising from such sale, or be in any way responsible for the non-application thereof.

As to purchase of annuities by Corporation. 16 & 17 Vict. c. xlii.

240. The Corporation may from time to time apply the whole or any part of any sinking fund set aside for the redemption of the annuities created by the Oldham Corporation Gas and Water Act, 1853, in the purchase of any such annuities by agreement with the owner or owners thereof.

Separate accounts to be kept of electric lighting undertaking.

241. The Corporation shall keep accounts with respect to electric and other lighting, heating, and motive power (hereinafter referred to as "the electric lighting undertaking") separate from all their other accounts, and shall in such accounts distinguish their expenditure on revenue or capital account, and shall apply all

money from time to time received by them in respect of the electric lighting undertaking, except borrowed money, as follows; (that is to say,) A.D. 1880.
—

First, in payment of their costs, charges, and expenses of and incidental to the collecting and recovering of rents and charges due in respect of the electric lighting undertaking, and of the borrowing of money, or the creation or issue of stock under this Act for that undertaking;

Secondly, in payment of the working and establishment expenses and cost of maintenance of the electric lighting undertaking;

Thirdly, in payment of the interest on money borrowed or stock created and issued on account of the electric lighting undertaking;

Fourthly, in providing the sinking fund by this Act required to be provided in connexion with the electric lighting undertaking;

Fifthly, in providing a reserve fund, if they think fit, by setting aside such money as they from time to time think reasonable, and investing the same, and the resulting income thereof, in securities in which they are by this Act authorised to invest sinking funds, and accumulating the same at compound interest, until the fund so formed amounts to one thousand pounds, which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from the electric lighting undertaking, or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking, and so that if that fund is at any time reduced it may thereafter be again restored to the sum of one thousand pounds, and so from time to time as often as such reduction happens;

And shall carry to the credit of the revenues of the gas undertaking of the Corporation any balance remaining in any year, and the annual proceeds of the reserve fund when amounting to one thousand pounds. Money borrowed under this section and stock issued under this Act in connexion with the electric lighting undertaking shall be applied for the purposes for which such money is authorised to be borrowed or created, and generally for objects to which capital money is properly applicable, and for no other purposes.

242. The Corporation may levy any rate they are for the time being authorised to make either in one sum or payment or by any number of instalments, of such amounts and to be paid at such times as they shall from time to time fix and determine at the time of Power to
levy rates
payable by
instalments.

A.D. 1880. making such rate, and in the case of a rate payable by instalments the demand note shall, in addition to other requisite particulars, state the time appointed for payment of such instalments, and all the powers and remedies of the Corporation for the recovery of rates shall extend and apply to each instalment as if the same were a separate rate.

Amendment
of section
292 of
28 & 29 Vict.
c. cccxi.

243. And whereas since the passing of the Act of 1865 the borough rate has been assessed upon the gross annual rent or value of the properties liable to assessment: Be it therefore enacted, that from and after the commencement of this Act section 292 of the Act of 1865 shall be read and have effect as if the word "gross" were inserted before the words "annual rent or value" whenever the last-mentioned words occur in the said section.

PART XVIII.—MISCELLANEOUS.

Deputies may
be appointed
by town
clerk, &c.

244. The town clerk, the treasurer, and the surveyor respectively may from time to time with the approval of the Corporation appoint a deputy, and delegate to him the performance of all or certain of the duties of the office to which such town clerk, treasurer, and surveyor is appointed, and the acts of such deputy within the terms and during the continuance of such appointment shall be valid accordingly. The provisions of section 58 of the Municipal Corporations Act, 1835, shall apply with respect to the salary or allowance to, and the securities to be taken from, every such deputy, and to vacancies in the office of any such deputy.

Council may
regulate
attendance
at town
clerk's office.

245. The town council may by order from time to time, if they think fit, regulate the hours of attendance at the town clerk's office of the town clerk, his deputy (if any), and any person employed by or under the town clerk, and, if they think fit, direct or permit the closing of the office on certain days, or during certain hours of any day.

Town clerk
may take
proceedings
in bank-
ruptcy.
32 & 33 Vict.
c. 71.

246. The town clerk may institute and prosecute all such proceedings in bankruptcy under the Bankruptcy Act, 1869, or any Act amending or substituted for the same, as may be necessary to procure to be adjudged a bankrupt any person against whom the Corporation may have any claim or demand, as though such claim or demand were the claim or demand of the town clerk and not of the Corporation.

Authentica-
tion, proof,
and service
of orders
and notices.

247. Any order or resolution of the Corporation or of the council, and any notice, declaration, requisition, demand, or other instrument made, given, delivered, or served under or in pursuance

or in exercise of the powers of this or any other Act, may be either in print or in writing, or partly in print or partly in writing, and shall be sufficiently authenticated by the name of the town clerk being affixed thereto in print, lithograph, or writing, and a copy thereof certified by the town clerk shall be receivable in evidence, and the production of the original thereof shall not be necessary, and it shall be sufficient, in all cases where any such order, resolution, notice, declaration, requisition, demand, or other instrument is required to be given to or served upon the owner or occupier of any property, to address the same to him by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which the order, resolution, notice, declaration, requisition, demand, or other instrument is given or served, without further name or description, and any such order, resolution, notice, declaration, requisition, demand, or other instrument may, in addition to any other modes of service pointed out by such Acts and byelaws respectively, be served upon any owner, occupier, or other person 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. A.D. 1880.

248. At any time after the commencement of this Act the town council may resolve and determine that the accounts of the Corporation shall be audited by paid accountants to be appointed by the Corporation, and not by auditors elected in manner provided by section 37 of the Act of the fifth and sixth years of the reign of His late Majesty King William the Fourth, chapter 76, intituled "An Act to provide for the regulation of Municipal Corporations in England and Wales," and thereupon that section shall (notwithstanding anything contained in section 351 of the Act of 1865) cease to apply to or within the borough, and the Corporation shall forthwith appoint a professional accountant, or two or more professional accountants, or a firm of professional accountants, to be the auditors of the accounts of the Corporation. Every such auditor, and every other auditor to be appointed as herein-after provided, shall hold office until the ninth day of November next after his appointment and no longer, and on such ninth day of November, or as soon as conveniently may be thereafter, the Corporation shall appoint an auditor or auditors in place of the auditor or auditors retiring from office. Every auditor so appointed shall be deemed to be an officer of the Corporation within the meaning of section 58 of the said Act of the fifth and sixth years of King William the Fourth, chapter 76, and the auditor or auditors from time to time holding office under this section shall be deemed to be the auditors referred to in section 93 of the last-mentioned Act. Paid auditors may be appointed by the Corporation.

A.D. 1880.

Application
of section
306 of
38 & 39 Vict.
c. 55. to
provisions of
recited Acts
and this Act.
Extension
of section
311 of
28 & 29 Vict.
c. cccxi.

249. Section 306 of the Public Health Act, 1875, shall apply with regard to the execution and to the provisions (so far as they are unrepealed and in force) of the recited Acts, or any of them, and of this Act, and shall be read and have effect as if those provisions had been enacted in and formed part of the Public Health Act, 1875.

250. If after the commencement of this Act any goods or chattels belonging to any person from whom any rates are due to the Corporation shall be seized or taken under any process of law or under any distress for rent, or shall be offered for sale by auction, or a bill of sale thereof shall have been executed by such person, such person shall be deemed to be about to quit the property in which such goods or chattels may be within the meaning of section 311 of the Act of 1865.

Amendment
of section
332 of
28 & 29 Vict.
c. cccxi.

251. After the commencement of this Act section 332 of the Act of 1865 shall be read and have effect as if the following proviso had been added thereto: "Provided that any such proceedings may, notwithstanding anything contained in any such Act, be commenced at any time within six months after the offence to which the penalty attaches shall first have been discovered by or be known to the party by whom or at whose instance the proceedings are taken, but so that no proceeding be commenced after the expiration of two years from the time at which the offence was committed."

Application of
section 326
(Byelaws) of
28 & 29 Vict.
c. cccxi.

252. Section 326 of the Act of 1865 shall extend and apply to all byelaws to be made by the Corporation under this Act.

Application of
section 330
(Appeals) of
28 & 29 Vict.
c. cccxi.

253. For the purposes of the provisions of Part 25 (Appeal to Quarter Sessions) of the Act of 1865 this Act shall be deemed to be included in the expression "this Act" whenever that expression occurs in those provisions.

Disputes as
to graves,
&c. to be
determined
by council
on report of
town clerk.

254. If any dispute at any time hereafter arise between two or more persons with respect to the right of burial in any vault, grave, or tomb, or with respect to the property in or the repair of any vault, grave, tomb, tombstone, or monument in any cemetery or place of burial for the time being belonging to or vested in the Corporation, the council may, upon the report of the town clerk, make and enforce such order in the matter of such dispute as they think fit; and may, if they think fit, by the same or another order, declare in whom the right of burial and the property in any such vault, grave, tomb, tombstone, or monument are or shall in future be vested, and to whom the liability to repair the same attaches or shall in future attach; and the right of burial and the

[43 & 44 VICT.] *Oldham Improvement Act*, 1880. [Ch. cxlvii.]

property in such vault, grave, tomb, tombstone, or monument shall thenceforth be vested, and the liability to repair shall attach accordingly. A.D. 1880.

255. The Corporation may from time to time accept in trust for the inhabitants of the borough, and allow the erection in public streets and places in the borough, of such statues and other monuments, drinking and other fountains, as they think fit, and may maintain the same, and any statues, monuments, and fountains so accepted and erected before the passing of this Act, and keep them in good order and repair. Power to accept statues, &c.

256. Section 329 of the Act of 1865 shall be read and have effect as if the words "sections one hundred and seventy-nine and " one hundred and eighty of the Public Health Act, 1875," had been inserted therein in place of the words "the sections twenty-five to thirty-seven inclusive of the Lands Clauses Consolidation Act, 1845 (incorporated with this Act)," at the commencement of the said section. Amendment of section 329 of 28 & 29 Vict. c. cccxi. as to arbitrations.

257. When after the passing of this Act any penalty shall be recovered upon the information or complaint of any peace officer or constable within the borough such penalty shall be paid to the treasurer and carried to the borough fund or to the police superannuation fund, as the Corporation may direct. Certain penalties to be carried to borough fund.

258. All powers given by this Act shall, unless otherwise expressly stated, be deemed to be in addition to and not in derogation of any other powers conferred upon the Corporation by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed; and nothing in this Act shall exempt any person from any penalty to which he would have been liable if this Act had not passed: Provided that no person should be adjudged to pay more than one penalty for the same offence. Powers of Act to be cumulative.

259. Nothing in this Act shall take away, abridge, or prejudicially affect any right, power, authority, estate, or interest of the Corporation under any former Act, or the Public Health Acts, or the Municipal Corporation Acts, or otherwise; and every such right, power, authority, estate, and interest may be had, enjoyed, and exercised by the Corporation as fully and effectually as if this Act had not been passed. Saving rights of Corporation.

260. 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, including the costs, charges, and expenses preliminary to and of and connected with the Expenses of Act.

[Ch. cxlvii.] *Oldham Improvement Act*, 1880. [43 & 44 Vict.]

A.D. 1880. — obtaining of the resolution of owners and ratepayers aforesaid, shall be paid by the Corporation out of the borough fund, or out of moneys borrowed on the security thereof, under the powers of this Act.

The SCHEDULES referred to in the foregoing Act.

A.D. 1880.
—

THE FIRST SCHEDULE.

PART I.

THE ADDED AREA.

(A.) So much of the parish of Ashton-under-Lyne as adjoins the present borough boundary and lies to the north-eastward of the Oldham, Ashton-under-Lyne, and Guide Bridge Junction Railway, and to the north-westward of an imaginary line drawn from the point at which the present borough boundary joins the eastern side of Sheepwashes Brook, at or near Cherry Valley, to the eastern fence of the above-mentioned railway, at a point 1,750 feet, measured south-eastwardly along the line of the said railway, from the point at which the present borough boundary crosses the said railway.

(B.) So much of the township of Chadderton as adjoins the present borough boundary and lies to the eastward of the west side of Manchester Road, at or near Hollinwood.

(C.) So much of the said township of Chadderton (detached) near Copster Hill as is now without the municipal borough of Oldham.

(D.) So much of the said township of Chadderton as adjoins the present borough boundary and lies to the eastward of the west side of Busk Road, at or near Busk.

(E.) So much of the township of Chadderton (detached) as adjoins and lies to the south-eastward of Busk Road.

PART II.

THE SEVERED AREA.

So much of the township of Oldham, in the parish of Prestwich-cum-Oldham, as would be included within an imaginary line, commencing at the junction of Acre Street with Manchester Road, thence running along the westerly side of Manchester Road to Under Lane, thence along the northerly side of Under Lane to Bowling Street, thence along the westerly side of Bowling Street to Acre Street, and thence along the southerly side of Acre Street to its junction with Manchester Road aforesaid.

A.D. 1880.

THE SECOND SCHEDULE.

CERTIFICATE OF DISEASE, &c.

THE OLDHAM IMPROVEMENT ACT, 1880.

To the Corporation of the borough of Oldham.

* *Here specify
the disease.*

Pursuant to the above-mentioned Act, I hereby certify and declare that in my opinion the under-mentioned person is suffering from* being an infectious disease within the terms of section 167 of the above-named Act.

Dated the day of 18 .

(Signed)

Name of person suffering from the }
disease - - - - - }
Situation of the building wherein }
such person is - - - - - }
Name of occupier or other person }
having the charge, management, }
or control of the building or }
room - - - - - }

NOTE.—This certificate must (under a penalty in case of neglect of forty shillings, and a like penalty for every day, or part of a day, during which the neglect continues) be forthwith sent to the medical officer of the Corporation, at his residence, or to the inspector of nuisances, at his office, and delivered to the official clerk or servant who shall be found in attendance there.

THE THIRD SCHEDULE.

TRAMWAY REGULATIONS.

Break power
of engines.

1. Every engine used on the tramways shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating, and for bringing such engine, and any carriage drawn or propelled by such engine, to a stand, as the Board of Trade may from time to time think sufficient.

As to fittings
of engines, &c.

2. Every engine used on the tramways shall have its number shown in some conspicuous part thereof, and shall be fitted—

With an indicator by means of which the speed shall be shown ;

With a suitable fender to push aside obstructions ;

With a special bell, whistle, or other apparatus to be sounded as a warning when necessary ; and

With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.

[43 & 44 VICT.] *Oldham Improvement Act*, 1880. [Ch. cxlvii.]

3. Every such engine shall be free from noise produced by blast or clatter of machinery, and the machinery shall be concealed from view at all points above four inches from the level of the rails, and all fire used on such engine shall be concealed from view. A.D. 1880.

4. Every carriage used on the tramways shall be so constructed as to provide for the safety of passengers, and for their safe entrance to, exit from, and accommodation in such carriage, and for the cleanliness and ventilation thereof, and the protection of passengers from the machinery of any engine used for drawing or propelling such carriage. As to carriages.

5. The Board of Trade shall on the application of the Corporation, and may on complaint made by any person, from time to time inspect any engine or carriage used on the tramways, and the machinery therein, and may whenever they think fit prohibit the use on the tramways of any such engine or carriage which in their opinion may not be safe for use on the tramways. Inspection of engines and carriages.

6. The speed at which engines and carriages may be driven or propelled along the tramways shall not exceed the rate of eight miles an hour. As to speed.

7. The speed at which engines and carriages may pass through movable facing points shall not exceed the rate of four miles an hour.

THE FOURTH SCHEDULE.

LANDS FOR CEMETERY EXTENSION.

All or any lands in the township of Chadderton, adjoining the Chadderton cemetery on the north and north-easterly sides thereof, now in the possession of the Corporation.

THE FIFTH SCHEDULE.

FORM OF CERTIFICATE OF DEBENTURE STOCK.

Oldham Corporation Debenture Stock.

Certificate No.

Amount £

Registered No.

This is to certify that _____ of _____ is registered in the books of the mayor, aldermen, and burgesses of the borough of Oldham, in the county of Lancaster, as the proprietor of £ _____ sterling Oldham Corporation debenture stock, created by virtue of the Oldham Improvement Act, 1880, bearing interest at the rate of _____ per centum per annum, payable half-yearly, on the first day of July and the first day of January in each year, the first payment to be made on the _____ day of _____ next.

[Ch. cxlvii.] *Oldham Improvement Act, 1880.* [43 & 44 VICT.]

A.D. 1880.] Given under the common seal of the mayor, aldermen, and burgesses of the borough of Oldham, in the county of Lancaster, this day of

NOTE.—This stock certificate must be deposited with the deed of transfer, whether for the whole or any portion thereof, before a new certificate can be issued in exchange.

All certificates will bear the common seal of the Corporation.

THE SIXTH SCHEDULE.

FORM OF TRANSFER OF OLDHAM CORPORATION DEBENTURE STOCK.

£
I of , in consideration of the
sum of pounds paid to me by of ,
do hereby transfer to (herein-after called the transferee)
the sum of Oldham Corporation debenture stock,
with all interest due and to become due thereon, to hold unto the transferee,
his executors, administrators, and assigns, subject to the several conditions on
which I hold the same at the time of the execution hereof, and I, the
transferee, do hereby agree to take the same debenture stock subject to the
same conditions.

As witness our hands and seals this day of
in the year of our Lord 18 .

(L.S.)

(L.S.)

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