



CHAPTER clxxxi.

An Act for making further and better provision in regard to the Water Supply and the improvement health and good government of the borough of Colne and for other purposes. A.D. 1897.
[6th August 1897.]

WHEREAS the borough of Colne in the county palatine of Lancaster is a municipal borough under the local government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation") and the Corporation acting by the town council are the urban district council for the borough and the following Acts are in force within the borough (that is to say):—

The Colne Gas Act 1877 ;

The Colne and Marsden Local Board Act 1881 ;

(each of which Acts is in this Act referred to as the Act of the year in which it was passed) :

And whereas the Corporation are the owners of the waterworks which supply the borough and they have in accordance with the powers conferred upon them (in their then character of a local board) by the Act of 1881 constructed a reservoir and other works for the supply of water but in consequence of the increased demand for water it is expedient that the Corporation should be authorised to construct further works :

And whereas it is expedient that the Corporation should be empowered to construct a new street to be called North Valley Road and that the cost thereof should be borne by the owners of the lands through or over which the street will be constructed and such owners have with one exception signified their assent to the provisions of this Act :

And whereas it would be to the benefit of the inhabitants of the borough that the Corporation should be empowered to purchase lands as a site for a technical institute and public library and to erect such buildings thereon :

And whereas under or by virtue of a faculty granted under the seal of the Lord Bishop of Manchester dated May 4th 1888 a portion

A.D. 1897. of the graveyard adjoining the church of St. Bartholomew in the borough has been made to form part of a street known as Church Street but the same has not been conveyed to the Corporation and it is desirable that it should be dedicated to the use of the public for ever and be maintained as part of Church Street aforesaid :

And whereas the Corporation have under the powers of section 62 of the Local Government Act 1894 resolved to take over as from the 31st July 1897 the powers and obligations of the Colne Burial Board as constituted in the year 1859 under the Burial Acts then in force but the district of that board does not include the whole of the borough and it is expedient that the inhabitants of the borough should all have equal rights of burial in the burial ground and that it should be extended :

And whereas it is expedient that further provision should be made with reference to streets buildings and sewers within the borough and that the powers of the Corporation in relation to the health local government and improvement of the borough should be enlarged :

And whereas it is desirable that the Corporation should be empowered to erect a refuse destructor upon land now in their occupation :

And whereas it is desirable that the Corporation should be invested with further powers with regard to markets and fairs common lodging-houses and recreation grounds :

And whereas it is necessary that the Corporation should be empowered to borrow further money for the construction of the waterworks by this Act authorised and for other purposes of this Act and estimates have been prepared by the Corporation and amount to the sum of one hundred and fifty-three thousand pounds and the works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas the objects of this Act cannot be effected without the authority of Parliament :

And whereas an absolute majority of the whole number of the town council at a meeting held on the twelfth day of November one thousand eight hundred and ninety-six after ten clear days' notice by public advertisement of the meeting and of the purposes thereof in the Colne and Nelson Times a local newspaper published and circulating in the borough such notice being in addition to the ordinary notice required for summoning the meeting resolved that the expenses in relation to the promotion of the Bill for this Act should be charged on the general district rate or be paid out of moneys borrowed under this Act :

And whereas that resolution was published twice in the said A.D. 1897.
Colne and Nelson Times and has received the approval of Your
Majesty's Secretary of State :

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 town council at a further special meeting held in pursuance
of a similar notice on the twenty-fourth day of February one thousand
eight hundred and ninety-seven being not less than fourteen days
after the deposit of the Bill for this Act in Parliament :

And whereas the owners and ratepayers of the borough by
resolution in the manner provided in the Third Schedule of the
Public Health Act 1875 consented to the promotion of the Bill for
this Act :

And whereas plans and sections showing the lines and levels of
the waterworks new street and refuse destructor authorised by this
Act and the lands in or through which the same are intended to be
made and plans of the lands which are authorised to be acquired
under the powers of this Act and books of reference to such plans
containing the names of the owners and lessees or reputed owners
and lessees and of the occupiers of the said lands have been duly
deposited with the clerk of the peace for the county palatine of
Lancaster and those plans sections and books of reference are in this
Act respectively referred to as the deposited plans sections and books
of reference :

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

PART I.—PRELIMINARY.

1. This Act may be cited for all purposes as the Colne Corporation Short title.]
Act 1897.

2. The following Acts and parts of Acts so far as the same Incorporation of Acts.
are applicable to the purposes of and are not varied by or are not
inconsistent with this Act are incorporated with and form part of
this Act :—

The Waterworks Clauses Acts 1847 and 1863 (except section 83
of the Waterworks Clauses Act 1847 and the provisions of that
Act with respect to the amount of profit to be received by the
undertakers when the waterworks are carried on for their
benefit) are (except when varied by or inconsistent with the
provisions of this Act) incorporated with and form part of
this Act. Provided that the Waterworks Clauses Act 1847 as

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incorporated with this Act shall be read and have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted from section 44 thereof:

The Lands Clauses Acts:

The Markets and Fairs Clauses Act 1847 (except section 50).

Interpretation.

3. In construing this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction (that is to say):—

"The borough" means the borough of Colne in the county palatine of Lancaster;

"The town clerk" "the borough surveyor" "the treasurer" "the medical officer of health" "the inspector of nuisances" mean respectively the town clerk the borough surveyor the treasurer the medical officer of health and any inspector of nuisances for the borough and "office" in relation to any of the said officers means the office of such officer at the town hall or at such other place as the Corporation may from time to time appoint;

"Dwelling-house" means any building used or intended constructed or adapted to be used wholly or partly for human habitation by day or by night;

"Structure" means any building wall bridge (except county or hundred bridge) fence railing balcony hoarding scaffold platform stack of bricks or of timber pier pillar-post door gate or other such erection construction or thing;

"Ground floor" used with reference to any building means that floor thereof the upper surface of which is nearest to the level of the street or ground adjoining the principal or only entrance to such building;

"Infectious disease" means and includes the diseases enumerated in section 6 of the Infectious Disease (Notification) Act 1889 and such other diseases as shall from time to time be declared to be infectious in pursuance of that Act;

"Daily penalty" means a penalty for each day on which an offence is continued after conviction thereof;

The expression "court of competent jurisdiction" "superior courts" or any other like expression shall have effect as if the debt or demand with respect to which the expression is used was a simple contract debt and not a debt or demand created by statute;

The several words and expressions to which meanings are assigned in enactments incorporated with this Act or in the Public

Health Acts or which have therein special meanings have in this Act (except where otherwise expressly provided) the same respective meanings unless there be something in the subject or context repugnant to such construction. A.D. 1897.

4. This Act shall be executed by the Corporation acting by the council. Execution of Act.

5. The limits of this Act for purposes of water supply and all other purposes shall be the borough. Limits of Act.

PART II.—WATER.

6. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the reservoir roads aqueduct and other works herein-after described and may enter upon and take and use such of the lands delineated on the deposited plans and described in the deposited book of reference (relating to new waterworks) as may be required for those purposes (that is to say):— Power to make water-works.

(Work No. 1.) An aqueduct conduit or line of pipes commencing in the township of Colne parish of Whalley and county palatine of Lancaster in Bent's Reservoir and terminating in the township of Trawden and parish of Whalley aforesaid in the Wycoller Beck:

(Work No. 2.) A reservoir (Wycoller Reservoir) commencing at and to be formed by an embankment to be placed across Wycoller Beck at a point four hundred and twenty yards or thereabouts measured in a straight line in a north-westerly direction from the junction of the two streams named respectively Smithy Clough and Turnhole Clough with the said beck:

(Work No. 3.) An aqueduct conduit or line of pipes commencing in and out of Turnhole Clough and terminating in the said Wycoller Beck:

(Work No. 4.) A diversion of the public road passing through Wycoller and joining the road known as the Keighley and Haworth Trust such diversion commencing in and terminating in the said road:

(Work No. 5.) A new road commencing in the township of Colne aforesaid in the road known as the Keighley and Haworth Trust and terminating in the aforesaid diversion of road (Work No. 4):

A.D. 1897. — Together with all proper embankments bridges roads ways wells tanks basins gauges filters dams sluices weirs outfalls syphons pipes adits shafts tunnels aqueducts culverts cuts channels conduits drains mains junctions valves engines pumps works apparatus and conveniences connected with the said works or any of them or necessary for conducting inspecting and maintaining repairing cleaning or managing the same.

Provision as
to Work
No. 3.

7. Before the Corporation take or use any water from the Turnhole Clough or any other streams springs or waters which they are by this Act authorised to take they shall construct the aqueduct or conduit Work No. 3 by this Act authorised as an open cut or watercourse The portion of the said work between its intersection with Smithy Clough and its termination shall be of sufficient capacity to convey not less than three hundred and seventy cubic feet of water per second in addition to the quantity which can be conveyed by the portion of the said work between its commencement and its intersection with Smithy Clough aforesaid and the said Work No. 3 shall be made watertight and shall be constructed in all respects in accordance with plans sections and cross-sections to be previously submitted to and reasonably approved of by Henry Rofe or him failing by some engineer to be appointed for that purpose by the President of the Institution of Civil Engineers on the application of any one or more of the owners lessees and occupiers of mills and works or other riparian owners down to the bridge over the River Calder called Cock Bridge If any difference shall arise between such engineer and the engineer of the Corporation in respect of the said plans sections and cross-sections or the dimensions of the said Work No. 3 the matter in difference shall be referred to and determined by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers whose decision shall be final.

The said Work No. 3 shall be at all times efficiently maintained by the Corporation in a sound and watertight condition and none of the waters intercepted thereby shall be taken or used by the Corporation but the whole of such waters shall be discharged or permitted to flow into the Wycoller Beck at the termination of the said aqueduct or conduit.

Confirmation
of agreement
between
Corporation
and Trawden
District
Council.

8. The agreement dated the twenty-fourth day of March one thousand eight hundred and ninety-seven and made between the Corporation of the one part and the urban district council of Trawden of the other part set forth in the Second Schedule to this Act is hereby confirmed and made binding on the parties thereto.

Corporation
may impound
waters.

9. Subject to the provisions of this Act the Corporation may take divert collect impound appropriate and use for the purposes of

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their undertaking and for their supply of water the waters of the brooks streams diversions and springs called or known as the Wycoller Beck and Turnhole Clough and also such waters of Butter Leach Clough Stack Hill Clough Broad Head Clough Saucer Hill Clough and the tributaries thereof as are not diverted by the existing water cut which diverts in part the waters of the said Butter Leach Clough Stack Hill Clough Broad Head Clough Saucer Hill Clough and the tributaries thereof.

10. Nothing in this Act contained shall authorise the Corporation to take divert collect impound appropriate or use any springs streams or waters arising or flowing within the appropriated areas defined by section 34 of the Keighley Waterworks Extension and Improvement Act 1869.

Saving for the Keighley Corporation,

11. With respect to the waters to be taken and the compensation water to be afforded by the Corporation the following provisions shall have effect (that is to say):—

Provisions as to compensation water.

- (1) The Corporation shall before they take and use any water from the Turnhole Clough or any other springs streams or waters which they are by this Act authorised to take discharge or cause to flow into Wycoller Beck out of or by means of the works by this Act authorised (in addition to the waters intercepted by Work No. 3 as aforesaid) not less than three hundred and forty-five thousand three hundred gallons of water per diem and the said quantity of water shall be so discharged or caused to flow continuously and equally between the hours of five in the morning and five in the evening of every day:
- (2) The Corporation shall construct and for ever thereafter maintain within a distance of one hundred yards from the foot of the embankment of the reservoir suitable measuring gauges over or through which the compensation water shall flow or be discharged and such other works as shall be necessary to carry into effect the provisions of this section and the gauges and works shall be respectively open to the inspection and examination of any party interested in such water down to the bridge over the River Calder called Cock Bridge between Padiham and Whalley:
- (3) If the Corporation shall fail to send down compensation water in manner by this section provided the Corporation shall for and during every day on which such failure shall occur forfeit and pay by way of penalty a sum not exceeding the sum of ten pounds to any party interested in such water being the owner lessee or occupier of any mill or work or riparian owner down to the confluence of the River Calder or Colne Water with the Pendle Water:

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(4) The provisions of this section shall be accepted and taken by all parties interested as full compensation for all water the Corporation may or can at any time collect divert impound and abstract from the brooks streams diversions springs and waters situated within the area delineated and coloured pink on the ordnance map signed by George H. Hill on behalf of the Corporation and by Henry Rofe on behalf of the parties interested as aforesaid which map shall be deposited with the clerk of the peace for the county palatine of Lancaster who shall permit any person to inspect the same within the usual office hours on payment of one shilling and a copy or copies thereof duly certified by the said clerk of the peace shall be evidence.

Supply regulated by gravitation.

12. The Corporation shall not be bound at any time to supply water at any elevation at which having regard to the general supply within the water limits the water cannot be supplied by gravitation from the existing reservoir known as Bent's Reservoir.

Power to deviate in execution of waterworks.

13. In constructing the works by this part of this Act authorised the Corporation may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and may also deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards and seven feet downwards:

Provided that the Corporation shall not in the exercise of the powers of lateral deviation hereby given make any embankment or retaining wall of the reservoir of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition. Provided that no part of any line of pipes shall be constructed or laid so as to be above the general surface of the ground except so far as is shown on the deposited sections.

Time for completion of works.

14. If the works by this Act authorised are not completed within eight years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed.

Power to hold lands for protection of works.

15. The Corporation may hold any lands acquired by them under the powers of this Act or the recited Acts necessary for the purpose of protecting their waterworks against nuisances encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of those Acts or the Lands Clauses Consolidation Act 1845 respectively

Provided always that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands nor erect or authorise or permit the erection on any such lands whilst so held by them of any buildings other than buildings necessary for or connected with their waterworks.

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16. Upon the completion of the road diversion by this Act authorised the Corporation may stop up and extinguish all rights of way over the portion of any existing road in respect of which such diversion shall have been made and the Corporation may stop up and discontinue any footpaths shown or stated on the deposited plans so to be stopped up or which it may be necessary to stop up in executing the purposes of this Act and may appropriate to and for their own use and as their own property the sites of so much of any such road or footpath so stopped up as shall be bounded on both sides by any lands acquired by the Corporation for the purposes of this Act.

On completion of road diversion site of existing road to vest in Corporation.

17. The road diversion and new road respectively authorised to be constructed under the authority of this part of this Act shall be constructed in the line and level shown on the deposited plans and sections (or in such other line and level within the limits of deviation as shall be approved by the urban district council of Trawden) and shall be of a uniform width throughout of not less than twenty-one feet with a wall on each side thereof six feet in height and shall to the reasonable satisfaction of such district council be levelled metalled and channelled and afterwards repaired and maintained by and at the cost of the Corporation for a period of eight years after the completion of the same respectively of which completion a certificate of two justices shall be conclusive evidence (which certificate two justices shall give on such completion to the reasonable satisfaction aforesaid being proved to their satisfaction) and on the expiration of the aforesaid period of eight years the Corporation shall apply for a further certificate of two justices as aforesaid (which certificate such two justices may give on the repair and maintenance of such roads to the reasonable satisfaction aforesaid being proved to their satisfaction) when such roads shall become and the same shall thenceforth be part of the public roads of the parish or district in which the same respectively are situate and shall be repairable as such accordingly.

Maintenance of road diversion and new road.

18. Nothing herein contained shall tend to lessen or control any right power or authority now vested in the county council for the county palatine of Lancaster for repairing altering or rebuilding any bridge and the lengths of roadway adjacent thereto repairable by the inhabitants of the said county or of any hundred therein

For the protection of the county council of Lancashire.

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which may be crossed by any of the mains pipes or other works of the Corporation but all such rights powers and authorities shall remain in as full force as if this Act had not been passed and the said county council shall not be liable to make any compensation whatever for any damage or injury to the Corporation by the altering or rebuilding of any such bridge or the lengths of roadway adjacent thereto unless such damage or injury shall be caused by or arise from the negligence or default of the said county council or their contractors agents or servants Provided that in altering or rebuilding any bridge or lengths of roadway adjacent thereto nothing shall be done to impede or interfere with the mains pipes or other works of the Corporation for any greater length of time or in any other manner than shall be necessary for the execution of the works and before commencing such alteration or rebuilding one month's notice thereof shall be given to the Corporation and the said county council shall afford to the Corporation all necessary and reasonable facilities for enabling them to continue the supply of water during such alteration or rebuilding.

If any bridge repairable by the inhabitants of the said county or of any hundred therein upon or along which any main pipe or other work of the Corporation is laid be altered or rebuilt by the said county council and such alteration or rebuilding shall necessitate the raising sinking or otherwise altering of any of the mains pipes or other works of the Corporation which shall be placed along any such bridge or main road within the jurisdiction of the said county council the Corporation shall at their own expense within a reasonable time after being required so to do by notice in writing under the hand of the clerk of the said county council raise sink or alter the same and in default thereof the said county council or their surveyor or any other person acting by their order or under their authority may raise sink or alter the same and the reasonable expenses thereby incurred shall be paid by the Corporation.

Any difference which may arise between the said county council and the Corporation under this section shall be referred to an arbitrator to be agreed upon by the parties or to be appointed for that purpose by the Board of Trade upon the application of either party.

Waterworks to
be part of
water under-
taking.

Rates for
supply of
water.

19. The waterworks authorised by this Act shall for all purposes form part of the water undertaking of the Corporation.

20. Section 19 of the Act of 1881 the marginal note of which is "Rates for supply of water" is hereby repealed and in lieu thereof the Corporation shall at the request of the owner or occupier of any house or part of a house in any street in which any water pipe shall be laid or of any persons who under the provisions of this

Act or any Act incorporated herewith shall be entitled to demand a supply of water for domestic purposes furnish to such owner or occupier or other person a sufficient supply of water for domestic use at a rate per centum per annum not exceeding ten pounds on the rateable value of such house or part of such house Provided always that the Corporation shall not be compellable to afford a supply of water for domestic purposes for any less sum than three-pence a week for every dwelling-house or part of a dwelling-house:

And in addition to the above rate the Corporation may demand and take for the supply of water—

For every watercloset beyond the first the yearly sum of seven shillings and sixpence;

For every fixed bath the yearly sum of ten shillings:

Provided that the Corporation shall not be compelled to supply water to any bath which shall be capable of containing when filled for use more than fifty gallons of water.

The water rent shall be paid by the owner or occupier requesting the supply of water.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by two justices.

21. The Corporation may supply water to lock-up shops and to premises occupied only by a caretaker and his family on such terms as may from time to time be agreed.

Lock-up shops and empty houses.

22. The Corporation may from time to time sell and dispose of meters and water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Power to sell meters.

23. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at or sent by post to the office of the Corporation.

Notice of discontinuance.

PART III.—NEW STREET.

24. Subject to the provisions of this Act the Corporation shall within three years from the passing of this Act make and shall for ever thereafter maintain as a highway repairable by the inhabitants

Power to make new street.

A.D. 1897. — at large in the lines and situations and according to the levels shown on the deposited plans and sections the new street herein-after described (and at their discretion either as one new street or in sections as if each section were a new street) together with all necessary approaches retaining walls piers abutments tunnels subways arches sewers drains goits culverts and other works and conveniences connected therewith or incident thereto and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference (relating to new street) as may be required for those purposes (that is to say) :—

A new street (in this Act referred to as the new street) wholly within the borough to be called North Valley Road commencing in Albert Road and terminating in Skipton Road.

Power to deviate in execution of new street.

25. In executing the new street the Corporation may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans but so that no part of the work be constructed outside such limits and may also deviate from the levels shown on the deposited sections to any extent not exceeding one foot upwards and five feet downwards.

Power to alter existing streets to make convenient connexions with new street.

26. The Corporation may in connexion with the execution of the new street and as part of the works to be executed under the powers of this Act make all such alterations of the levels of any existing street as may be necessary or proper for making a convenient access to such street doing as little damage as possible and in making such alterations of levels the Corporation may interfere with any drain or sewer providing a proper substitute before interrupting the flow of sewage in such drain or sewer The Corporation shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section.

Cost to be apportioned on frontagers.

27. The cost of the purchase of land for and the construction of the new street or if the Corporation so determine of each section thereof shall be apportioned against the premises fronting adjoining or abutting on the new street or each section thereof as the case may be and shall be recovered by the Corporation in the same manner as if the construction of the new street or such section thereof were the improvement of a private street under section 49 of the Act of 1881.

Agreements with frontagers.

28. The Corporation may carry into effect agreements already made or to be made with any person who may become liable to pay any portion of the cost of the new street with regard to the manner in which the new street or any particular section thereof shall be constructed accommodation works the levelling and filling up of

land fronting on the new street the payment of the costs by instalments and any other matters connected with the construction of the new street. A.D. 1897.
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29. So much of the graveyard adjoining the church of Saint Bartholomew in the borough as has under or by virtue of a faculty granted under the seal of the Lord Bishop of Manchester dated May fourth one thousand eight hundred and eighty-eight been made to form part of a street known as Church Street Colne shall form part of such street and be maintained by the Corporation for ever hereafter and it shall not be necessary for the Corporation to preserve the line of the wall as existing previous to the date of the said faculty. Widening
of Church
Street.

PART IV.—REFUSE DESTROYER.

30. The Corporation may by compulsion or agreement purchase take and use the land described in the First Schedule hereto and thereon erect a refuse destructor with furnaces for destroying house and other refuse together with all necessary approaches walls offices wharves depôts and other works and conveniences as the Corporation may think desirable. Power to
erect refuse
destructor.

PART V.—BURIAL BOARD.

31. As from the thirty-first day of July one thousand eight hundred and ninety-seven the Corporation shall be the burial board for the whole of the borough in the same manner and as fully as if Her Majesty had with the advice of Her Privy Council ordered pursuant to the Burial Acts 1852 to 1885 that powers should be vested in the council of the borough for providing places of burial for the inhabitants of the parishes wholly or partly within the borough and the Corporation shall provide proper and sufficient burial grounds for the inhabitants of the borough and may subject to the previous approval of Her Majesty's Secretary of State for that purpose enlarge and extend the existing burial ground The outstanding mortgage debt (if any) of the burial board the interest thereon and all expenses which may be incurred after the said date shall be charged upon and paid out of the borough fund and borough rate leviable upon the whole of the borough and the Corporation shall pay off the said mortgage debt (if any) in accordance with the provisions of the Burial Acts 1852 to 1885 The inhabitants of the ecclesiastical districts of Christ Church and District
of burial
board
extended.

A.D. 1897. St. John's within the borough shall have the same rights and privileges in regard to the use of the burial grounds of the borough and in all other respects as the other inhabitants of the borough.

PART VI.—PURCHASE OF LANDS.

Power to take additional lands by agreement.

32. The Corporation may for the purposes of their water undertaking for or in connexion with the construction of the new street herein-before described for the extension of the burial ground or markets or the provision or extension of recreation grounds for the purchase of lands as a site for a technical institute and public library and the erection of such buildings thereon and for the other purposes of this Act purchase by agreement any lands not exceeding four hundred and fifty acres in addition to the lands which they are authorised by this Act to take by compulsion but the Corporation shall not create or permit the creation of any nuisance on any such lands and such lands shall not be used for any building except buildings required for or used in connexion with the water and other undertakings of the Corporation.

Power to take easements &c. by agreement.

33. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement of water in which other parties than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid.

Period for compulsory purchase of lands.

34. The powers of the Corporation for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act.

Restriction on taking houses of labouring class.

35. The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages

but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them. A.D. 1897.

36. Notwithstanding anything in the Lands Clauses Acts the Corporation may retain hold and use for such time as they think fit any lands purchased or taken by them under the powers of this Act for waterworks purposes and may from time to time sell lease exchange or otherwise dispose of the same in such manner for such consideration and on such terms and conditions as they think fit and may make execute and do any deed act or thing proper for effectuating any such sale lease exchange or disposition. Power to retain and sell lands.

37. The proceeds of the sale of any surplus lands of the Corporation under the powers of this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of any moneys borrowed by the Corporation under this Act but shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Provided that borrowed money discharged by the application of such moneys shall not be re-borrowed. Proceeds of sale of surplus lands to be treated as capital.

PART VII.—MARKETS AND SLAUGHTER-HOUSES.

38. The Corporation may upon any lands that they may hold or acquire for that purpose extend and enlarge the present or provide an additional market or market-place and places for the customary fairs for the sale of such marketable commodities as are in the Third Schedule to this Act mentioned and also a wholesale or retail market or market-place for the sale of cattle sheep or farm produce with all necessary buildings and works. Power to construct market.

39. The Corporation may demand from any person occupying or using any shop stand stall shed pen space of ground or place in the market-place or buildings or ground for the sale of cattle or other live stock or any marketable commodities such stallages rents and tolls as the Corporation shall appoint not exceeding the several stallages rents and tolls specified in the Third Schedule to this Act and the Corporation may require that such tolls be paid in advance Section 36 and Schedule IV of the Act of 1881 are hereby repealed. Tolls to be taken for the market.

.A.D. 1897.

Weighing
and mea-
suring.

40. The Corporation may provide and keep sufficient and proper weighing-houses or places weights and measures scales and machines for weighing or measuring articles or weighing carts waggon or carriages and may levy tolls therefor from time to time not exceeding the tolls specified in the Third Schedule to this Act.

Forfeiture of
articles left
in markets.

41. Every animal or article brought into any market and left therein after the hour of closing (except such as may be left in charge of the superintendent or inspector of the market) may be taken possession of by the superintendent or inspector. In the case of any animal or non-perishable article so left if it be not claimed within one week the Corporation may proceed to sell the same and they shall return to the owner on demand the surplus proceeds of such sale after deducting any unpaid stallage rent or toll due in respect thereof together with the expenses of detention and sale. In the case of any article of a perishable nature so left if it be not claimed within one hour the Corporation may proceed to sell the same and they shall return to the owner on demand the surplus proceeds of such sale after deducting any unpaid stallage rent or toll due in respect of the same together with the expenses of detention and sale. If in any such case as herein-before mentioned no demand shall be made by an owner within one month of a sale for the return of any surplus arising from a sale the proceeds of such sale shall be forfeited to the Corporation.

Power to
take posses-
sion of stalls
for non-pay-
ment of rent.

42. If any tenant shall not after any toll rent or charge has become due and payable to the Corporation in respect of any shop stall booth stand pen shed hiring fixture or property in any market fair or slaughter-house and after demand has subsequently been made therefor pay the same within three days of the demand the Corporation may enter upon and take possession of any such shop stall booth stand pen shed hiring fixture or property and re-let the same without prejudice to any other remedy for the recovery of such toll rent or charge.

Corporation
may erect
lodges.

43. The Corporation may in connexion with their markets and fairs erect and maintain one or more lodges for the residence of the superintendent inspector or inspectors thereof.

Markets not
to be held
except by
Corporation
or their
licencees.

44. If any person shall without the licence of the Corporation on any land belonging or reputed to belong to or occupied by him in any part of the borough hold or permit to be held any market or fair he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds:

Provided always and it is hereby agreed and declared that nothing in this Act contained shall prejudicially affect prevent or fetter the right (if any) of holding in so much of the close of land

known as the Swan Croft the property of John Henry Lloyd as may for the time being be unbuilt upon of the accustomed March May and October fairs or any fairs which from time to time may be substituted therefor by the Corporation acting under the powers of the Markets and Fairs Clauses Act 1847 and the demand and receipt by the said John Henry Lloyd his heirs and assigns or his and their lessees and tenants of stallage and rent as heretofore. A.D. 1897.
—

45. Whereas there is in the borough a building or covered space known as the Colne Arcade situate in Ivegate Be it enacted that the same shall be and it is hereby excepted from the operation of this part of this Act and none of the provisions of such part shall apply thereto. Protection
for the Colne
Arcade.

46. After the Corporation shall have provided adequate slaughter-houses and after the expiration of one month from the date of publication by the Corporation in a local newspaper circulating in the borough of notice to that effect no person shall slaughter in the way of trade any cattle horse sheep or pig within two miles of the town hall in the borough except in such slaughter-houses or in any duly licensed or registered slaughter-house erected before the passing of this Act and if any person acts in any respect in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds Provided always that the Corporation shall make compensation to the owner and occupier of any duly licensed or registered slaughter-house who shall be injuriously affected by the exercise of the prohibition in this section contained. Slaughtering
prohibited
except in
Corporation
slaughter-
houses when
provided.

47. The Corporation shall keep accounts in respect of their markets undertaking separate from all their other accounts and shall apply all money from time to time received by them in respect of the markets undertaking except borrowed money and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say) :— Application
of revenue
from
markets.

- (1) In payment of their costs charges and expenses of and incidental to the collecting and recovering of market tolls and rents ;
- (2) In payment of the working and establishment expenses and cost of maintenance of the markets ;
- (3) In providing the interest and instalments and payments to sinking fund in respect of moneys borrowed for market purposes :

And the Corporation shall carry to the district fund so much of any balance remaining in any year as may in the opinion of the Corporation not be required for carrying on and improving their

A.D. 1897. market undertaking and paying the current expenses connected therewith.

In case the revenue of the Corporation from the markets undertaking shall in any year be insufficient for the purpose of defraying the costs charges and expenses of the Corporation with respect thereto and the amounts to be paid or appropriated for repayment of borrowed moneys under this Act the Corporation shall include the amount of any such deficiency in their estimate for that or the following year and defray the same out of the general district rate or district fund.

As to leading
or driving
cattle.

48. The Corporation may prescribe the streets in which and the manner according to which the leading or driving of animals shall be permitted within the borough. Provided that the route which it shall be lawful for the Corporation so to prescribe shall not be such as would prevent the passage of cattle between any market and any railway station in the borough or any place beyond the boundary of the borough when such animals are merely passing between such market and railway station or other place as aforesaid and the Corporation shall be bound to allow at all times a reasonably short and efficient route or routes for the passage of such animals. Provided also that any such directions shall only operate between the hours of eight in the morning and nine in the evening and shall not prevent the owner of any animals driving the same to his own premises and nothing in this enactment contained shall authorise the Corporation to interfere with the driving of any animals to any duly licensed slaughter-house.

Regulation
of shows
caravans
&c.

49. The Corporation may make and enforce byelaws for prescribing hours within which during any fair or at any other time any show booth caravan circus or exhibition may be kept open and for preserving order therein.

Saving for
pedlars and
hawkers.

50. Nothing in this Act or any byelaw thereunder shall interfere with the lawful exercise of his calling by any duly certificated pedlar or duly licensed hawker.

Saving for
General Acts
relating to
animals.

51. Nothing in or done under this Act shall interfere with the operation or effect of the Diseases of Animals Act 1894 or of any order licence or act of the Board of Agriculture made granted or done thereunder or of any order regulation licence or act of a local authority made granted or done under any such order of the Board or exempt the markets and fairs or slaughter-houses or any building or thing whatsoever or any body or person from the provisions of any general Act relating to animals already passed or to be passed in this or any future session of Parliament.

PART VIII.—STREETS BUILDINGS AND SEWERS. A.D. 1897.

52. The deposit with the Corporation of any plan of any street or building shall be null and void if the execution of the work specified in such plan be not commenced within the following periods (that is to say):— Deposit of plan to be void after certain intervals.

As to plans deposited after the passing of this Act within three years from the date of such deposit; and

As to plans deposited before the passing of this Act within three years from the passing of this Act:

And at the expiration of those respective periods fresh notice and deposit shall unless the Corporation otherwise determine be requisite.

The Corporation shall give notice of the provisions of this section to every person intending to erect a new building the plans for which shall have been approved before the passing of this Act but the erection of which building shall not have been commenced and shall attach a similar notice to every approval of plans given subsequent to the passing of this Act.

53. The Corporation may retain any drawings plans elevations sections specifications and written particulars descriptions or details deposited with the Corporation in pursuance of any enactment for the time being in force in the borough or any byelaw thereunder respectively. As to plans deposited with the Corporation.

54. The Corporation may by order vary or alter the intended position direction or level of any intended new street for the purpose of causing it to communicate in a direct or more direct line with any other street adjoining or leading thereto. The Corporation shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section. Power to vary position or direction of new streets.

55.—(1) Where any street in the borough is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered 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 borough surveyor and such plan shall be at all reasonable times thereafter open for the 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 Corporation may define future line of streets.

A.D. 1897. — the said plan to every owner interested whose name and address they can ascertain No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street than such line.

(2) The Corporation may and if required so to do by the owner shall purchase the land lying between any such line as aforesaid and the existing building line of the street and the same when purchased shall vest in the Corporation as part of the street.

(3) 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 interested in any land for any loss or damage which they may sustain in consequence of the line of frontage being set back and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them by reason of the Corporation requiring the said line to be observed and kept.

(4) 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 to a daily penalty of the like amount.

Intersecting streets.

56. No new street shall unless the Corporation otherwise allow be laid out more than one hundred and twenty yards in length without an intersecting street.

Continuations of existing streets to be deemed new streets.

57. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the borough be deemed to be a new street.

No buildings allowed until street defined.

58. No person shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street or such part of such length as may be required by the Corporation shall have been defined by kerbstones or by posts or in some other sufficient manner to the satisfaction of the Corporation to indicate the approved line and level thereof Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Crossings for horses vehicles &c. over foot-ways.

59. Every person desirous of forming a communication for horses or vehicles across any kerbed footpath so as to afford access to any premises from a street shall first give notice in writing of such desire to the Corporation and shall if so required by them

submit to them for their approval a plan of the proposed communication showing where it will cut the footpath and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and shall execute the works at his own expense under the supervision and to the reasonable satisfaction of the borough surveyor and in case such plan shall have been required then in accordance with the plan so approved and not otherwise and if any person drives or permits or causes to be driven any horse or vehicle across any footway unless and until such a communication as aforesaid has been so made he shall for each such offence be liable to a penalty not exceeding forty shillings. A.D. 1897.

60. From and after the passing of this Act--

The re-erection wholly or partially on the same site of any building of which a front wall or any portion thereof is pulled down or burnt down and if any frame building so far pulled down or burnt down as to leave only the framework of the ground storey thereof;

What to be deemed new buildings.

The conversion into a dwelling-house of any building not originally constructed for human habitation or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only;

The re-conversion into a dwelling-house of any building which has been discontinued as and appropriated for any purpose other than that of a dwelling-house;

The making of any addition to an existing building by raising any part thereof or making any projection therefrom but so far as regards such addition only;

The conversion of a dwelling-house into any other building not intended for human habitation; and

The roofing or covering over of an open space between walls or buildings;

shall for all the purposes of this and the Public Health Acts and of any byelaws made thereunder respectively be deemed to be the erection of a "new building."

61. No new building shall without the approval of the Corporation be erected on the side of any street not existing at the passing of this Act 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 at any time erected on the side of any street 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 to the centre of the front

Height of buildings.

A.D. 1897. — of the building up to the top of the eaves or up to half the vertical height of the roof or in the case of a flat roof to the top of the parapet facing the street.

Height of chimneys.

62. With respect to the height of chimneys the following provisions shall have effect (that is to say) :—

(1) Every chimney hereafter erected for carrying any smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any mill factory brewery sizing-house dye-house corn-mill foundry or buildings used for manufacturing or other purposes shall be raised to such height measured from the level of the centre of the street nearest thereto as the Corporation shall reasonably approve having regard to the use of such chimney the position of dwelling-houses or other buildings near thereto the description of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height:

(2) Any person who shall offend against any provision of this or the preceding section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Prevention and removal of projections over streets.

63. Sections 69 and 70 of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall with respect to the borough extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projections from or at any building and whether erected before or after the passing of this Act which the Corporation may determine to be dangerous or an obstruction to the safe or convenient use of any street.

As to separate sewers.

64. Where in any street separate sewers have been provided and are maintained for surface water and for sewage no sewage shall be allowed to pass into the surface water sewer and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers. Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. Provided that in the case of any house or premises existing at the time of the provision of separate sewers the drains whereof would but for the passing of this Act have been sufficient to effectually drain such house or premises the Corporation may at their own expense make all necessary alterations to the drains and pipes of such house or premises in order to keep separate the sewage and surface water drainage thereof.

Dangerous structures and projections.

65.—(1) Whenever any structure or any part thereof or anything thereon or attached thereto or projecting therefrom is deemed by

the borough surveyor to be in a state or position whereby public danger is or may be occasioned the borough surveyor shall give notice under his hand to the owner or occupier of such structure or to both of them requiring such owner or occupier forthwith to take down remove repair or secure the same to the satisfaction of the borough surveyor. A.D. 1897.

(2) In case the work required by the notice is not begun within forty-eight hours after the service thereof or is not completed to the satisfaction of the borough surveyor as soon as the nature of the case admits the borough surveyor may give information thereof to any justice who may thereupon issue his summons requiring such owner or occupier or both of them to appear before a court of summary jurisdiction.

(3) In case it appears to the court that immediate danger from such structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid is to be apprehended the court may make an order authorising the borough surveyor to cause such structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid to be forthwith taken down removed repaired or secured.

(4) In case it appears to the court that public danger is to be apprehended but that such danger is not immediate the court may make an order on such owner or occupier or both of them requiring him or them to cause such structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid to be taken down removed repaired or secured to the satisfaction of the borough surveyor within a period to be prescribed in such order. In case such order is not obeyed within the period prescribed therein any person on whom such order has been made shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(5) The court may at any time after the end of the period prescribed in such order make an order authorising the borough surveyor to cause such structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid to be taken down removed or repaired or secured as required by such order and the person or persons on whom such order has been made shall in addition to such penalty pay all the costs charges and expenses of and incidental to the execution of the order.

(6) If the owner or occupier of any structure which the borough surveyor has deemed dangerous to the public cannot be found or does not appear after service of the notice and summons as herein-before provided the court having cognizance of the matter may make an order authorising the borough surveyor to cause such

A.D. 1897. structure or part thereof or attached thereto or projecting therefrom as aforesaid to be forthwith taken down removed repaired or secured and the costs charges and expenses thereof shall be paid by such owner or occupier as aforesaid.

For prevent-
ing soil and
sand from
being washed
into streets.

66. The owners or occupiers of all lands abutting upon any public street and the owners or occupiers of all lands abutting upon or adjoining any private street communicating with any public street shall so fence off channel or embank their lands so as to prevent the soil and sand of such lands from falling upon or being washed or carried into any public street sewer or gulley in such quantities as will obstruct the highway or choke up such sewer or gulley and any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings :

For the purpose of this section "public street" means a street repairable by the inhabitants at large and "private street" means a street not so repairable :

Provided that such owner or occupier shall not be responsible for any soil and sand from land other than his own although such soil and sand may have passed over the land of such owner or occupier Provided further that this section shall not apply to any lands of a bonâ fide agricultural character.

Trees or
shrubs over-
hanging
streets.

67. Where any tree hedge or shrub overhangs any public street so as to obstruct or interfere with the light from any public lamp or to interfere with the free passage of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub so as to prevent such obstruction or interference and in default of compliance with the notice may themselves carry out its requisitions doing no unnecessary damage.

Penalty on
occupiers
refusing
execution of
Act.

68. If the occupier of any house or part of a house shall prevent the owner thereof or the Corporation or their officers from carrying into effect any requirement of the Corporation under this Act or under any byelaw made under the powers of this Act then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner or the Corporation or their officers to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner the Corporation or their officers to execute the said works he shall for every day during which he shall so continue

to refuse be liable to a penalty not exceeding five pounds and during the continuance of such refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works. A.D. 1897.

If the occupier of any premises when requested by or on behalf of the Corporation to state the name of the owner of the premises occupied by him shall refuse or wilfully omit to disclose or wilfully misstate the same he shall (unless he shall show a cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding five pounds.

69. Without prejudice to any existing right of Her Majesty there shall be exempted from so much of the provisions of this Act as relates to buildings and structures every building structure or work vested in or in the occupation of Her Majesty either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service There shall also be exempted from so much of the provisions of this Act as relates to buildings and structures any building (not being a dwelling-house) belonging to any railway company and used by such company as a part of or in connexion with their railway. Exemption of Government and railway property from building regulations.

PART IX.—STREET ADVERTISEMENTS.

70.—(1) It shall not be lawful in any street in the borough to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Corporation which consent shall be in writing and may be for such time and contain such terms and conditions as the Corporation think fit: Restriction on advertising vehicles and hoards.

Any person aggrieved by the refusal of the Corporation to grant such consent may appeal to a petty sessional court held for the borough after the expiration of two clear days after such refusal provided he give twenty-four hours' notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as they may think fit and award such costs to be recoverable in like manner as a penalty under this Act.

(2) Every hoard or similar structure to be used either partly or wholly for advertising purposes in or abutting on or adjoining any street shall be securely erected to the satisfaction of the Corporation.

(3) It shall not be lawful after the passing of this Act to erect any hoard or similar structure exceeding twenty feet in height to be

A.D. 1897. used either partly or wholly for advertising purposes in or abutting on or adjoining any street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoard as the Corporation may determine.

(4) The owner or other person using any hoard wall or similar structure for advertising purposes whether erected before or after the passing of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition to the satisfaction of the Corporation and in the event of any nuisance being created in any street by reason of the falling-off of any papers affixed for advertising purposes to such hoard wall or other structure shall forthwith remove and clear away such papers.

(5) Any person who acts in contravention of any of the provisions of this section or who violates any conditions or the terms of any consent given in pursuance of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Provided always that this section shall not apply to any hoard or advertisement affixed to any railway railway station or premises of any railway company for the purposes of any such company.

PART X.—SANITARY PROVISIONS.

Byelaws
regulating
hospitals.

71. The Corporation may make byelaws for regulating the admission to and discharge of patients from any hospital temporarily or otherwise provided by them and the conduct of patients therein and for preventing persons from entering such hospitals or the grounds thereof except with the consent of and subject to such conditions as may be imposed by the Corporation.

Corporation
may provide
nurses.

72. The Corporation may provide or contract with any person or persons to provide nurses for attendance upon persons suffering from infectious disease within the district and may charge a reasonable sum for the service of any nurse provided by them.

Power to
compensate
nurses.

73. If any midwife or nurse shall at the request of the Corporation stop her employment as such for the purpose of preventing the spread of infectious disease the Corporation may make compensation to her for any loss she may sustain by reason of such stoppage.

Infected
person not to
carry on
business.

74. A person who knows himself to be suffering from any infectious disease shall not milk any animal or pick fruit and shall not engage in any occupation connected with food intended for the

use of man or carry on any trade or business in such a manner as to be likely to spread such infectious disease and if he does so he shall be liable to a penalty not exceeding forty shillings. A.D. 1897.

75. If it shall appear to the Corporation by the report of the borough surveyor inspector of nuisances or medical officer of health that any cesspool or other receptacle used or formerly used as a receptacle for excreta or for the whole or any part of the drainage of a house or any ashpit or any well disused or otherwise belonging to any such house or part of a house is prejudicial to health or otherwise objectionable for sanitary reasons and that it is desirable that the same should be filled up or removed or so altered as to remove any such objection as aforesaid the Corporation may if they think fit by notice in writing require the owner or occupier of such house or part of a house within a reasonable time to be specified in the notice to cause such cesspool ashpit or well to be filled up or removed and any drain communicating with such cesspool to be effectually disconnected destroyed and taken away And in case it appears that any such cesspool ashpit or well is used in common by the occupiers of two or more houses or parts of houses the notice for the filling up or removal of any such cesspool ash-pit or well may be served on any one or more of the owners or occupiers of such houses and it shall not be necessary to serve such notice upon all such owners or occupiers If default is made in complying with notice under this section the Corporation may themselves carry out the requisitions of the notice and may recover the expenses incurred by them in so doing from the owners or occupiers in default in a summary manner. Provisions as to filling up of cesspools.

76. If any trade refuse or any building materials or rubbish of a like description be deposited in any privy cesspool ashpit or ashtub the Corporation may make a reasonable charge for the removal of the same which charge shall be paid to the Corporation by the occupier of the premises in respect of which the charge is made and may be recovered in a summary manner. Charge for emptying privies of trade refuse.

77. The Corporation may if they think fit authorise or require the use of a pail-closet or ash-closet in any case in which they are authorised to require the use of a privy water-closet or earth-closet and may from time to time prescribe the size and materials of which any pail-closet or ash-closet shall be constructed and the times and mode of removing cleansing preserving and replacing of the pails tubs fittings and appliances of any such closet The provisions of this Act and subject thereto the provisions of the Public Health Act 1875 with respect to the providing of privies water-closets and earth-closets shall apply mutatis mutandis in the As to pail-closets.

A.D. 1897. — case of pail-closets or ash-closets the use of which may be so required or ordered by the Corporation and the Corporation may if they think fit from time to time provide and maintain and charge for the use of such pail-closet or ash-closet pails tubs fittings and appliances or any or either of them or any part or parts thereof respectively and may recover such charges summarily In cases where the Corporation authorise or require the use of an earth pail or tub closet they may require that urinals be provided.

Regulation
pails and
tubs for
privies.

78. The owner of every dwelling-house in which pails or tubs are used in the privies shall if so required by the Corporation obtain the regulation size pails or tubs from the Corporation who shall from time to time determine the cost to be paid for the same and in case the owner of any dwelling-house use any pail or tub not obtained from the Corporation he shall for every such offence be subject to a penalty not exceeding twenty shillings and to a daily penalty not exceeding twenty shillings Provided that this section shall not apply to any pails or tubs in use at the commencement of this Act so long as the same are in proper order and condition.

Power to
supply
courts with
water-
closets.

79. The Corporation for the purpose of supplying a court or place with a water-closet earth-closet ashpit or other sanitary accommodation may from time to time purchase by agreement any land or building and remove such building and execute all necessary structural and other works and the owner or owners of the houses in the court or place benefited thereby shall be liable to pay the cost of the purchase of such land or building and the other expenses incurred by the Corporation in the execution of this section and the amount thereof shall be apportioned among those owners by the borough 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 in a summary manner or as private improvement expenses under the Public Health Acts Provided that if any owner feels himself aggrieved as regards either the amount of such expenses or the apportionment thereof he may appeal to a court of summary jurisdiction to determine the amount or apportionment as the case may be.

Urinals and
water-closets
to be at-
tached to
refreshment
houses &c.

80. Where any inn public-house beer-house eating-house or other place of public entertainment built before or after the passing of this Act has no urinal or water-closet belonging or attached thereto in a convenient and suitable position the Corporation may order the owner of such inn public-house beer-house eating-house or other place of public entertainment to provide and maintain upon or

near the premises in a position to be specified in the order a urinal or urinals or water-closet to the satisfaction of the Corporation which shall be supplied with water to the satisfaction of the Corporation and the Corporation may order the owner of any buildings or lands to remove any urinal or water-closet belonging or attached thereto which appears to them so situated or constructed as to be a nuisance or offensive to public decency and if any person fails within a reasonable time to comply with any of the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings. A.D. 1897.

81. It shall not be lawful for any person to cause or suffer any refuse from any manufactory or work that would be destructive or injurious to any sewer or that would interfere with the treatment or utilisation of the sewage of the district to flow or pass into any sewer of the Corporation or to flow or pass into any drain channel or watercourse communicating with any such sewer in such manner that the same will be carried by through or out of such drain channel or watercourse into any such sewer and if any person is guilty of any act or omission in contravention of this section he shall be liable to a penalty not exceeding twenty pounds and in case of a continuing offence to a further penalty not exceeding forty shillings for every day during which such offence continues after the expiration of a time to be determined in that behalf by the court of summary jurisdiction before whom he is convicted. Provided that any person charged with an offence against this section shall not be convicted thereof if he shows to the satisfaction of the court of summary jurisdiction before whom he is charged that he has duly used the best practicable and reasonably available means of depriving the refuse from his manufactory or work of qualities that would make it injurious to the sewer or likely to interfere with the treatment or utilisation of the sewage of the district. A person shall not be liable to a penalty for an offence against this section until the Corporation shall have given him notice of the provisions of this section nor for an offence committed before the expiration of one month from the service of such notice provided that the Corporation shall not be required to give the same person notice more than once. Prohibition of throwing injurious matter into sewers.

82. Whenever the medical officer of health or borough surveyor has reasonable grounds for believing that the drains connected with any house or building are defective so as to cause risk to health he may after twenty-four hours' notice and with the consent (except in the case of houses let in separate dwellings) of the owner or occupier of such house or building or in the event of objection by any such owner or occupier after obtaining the order of a court of summary Owners &c. to permit application of tests to drains.

A.D. 1897. — jurisdiction apply such tests as he may consider efficient to such drains for the purpose of discovering any defects therein Any owner or occupier who refuses notwithstanding such order to allow such test to be made or to give all reasonable facilities for making such test shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings If the drains be found defective so as to cause risk to health the owner or occupier of the premises shall be bound on receiving notice from the Corporation to that effect specifying generally the nature of the defect to carry out all reasonable operations for remedying the same within a reasonable time to be named in such notice and if he makes default in so doing the Corporation may enter and execute the work and recover the expenses thereof from the owner or occupier in a summary manner or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts but nothing in this section shall affect contracts between owners and occupiers.

Dust from
factories.

83. Every occupier of any building containing any willoving or other machine for opening or cleaning wool woollen waste flax cotton waste or other fibrous substance or any grinding or other machine for grinding or cleaning woollen or cotton rags cards or grinding or polishing metal or other instruments of manufacture who does not use the best practicable means to prevent the dirt dust or refuse produced in the process of opening cleaning or grinding as aforesaid from falling into any street or court or on any building in any street or court or on any yard garden or enclosure belonging thereto shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings :

Provided that no such occupier shall be liable to the said penalties unless and until the Corporation shall have given to him three months' notice in writing to comply with the provisions of this section.

PART XI.—COMMON LODGING-HOUSES.

Regulations
as to com-
mon lodging-
house
keepers.

84. The keeper of every common lodging-house shall reside constantly and shall remain between the hours of nine o'clock in the afternoon and six o'clock in the forenoon in such house and shall manage control and exercise proper supervision over the same and the inmates thereof except at such times as some other person appointed by him for that purpose and whose name is registered at the office of the Corporation shall with the approval of the Corporation in writing under the hand of their officer appointed

for that purpose (which approval and registration shall be revocable by the Corporation) reside and remain in such house and manage control and exercise proper supervision over the same and the inmates thereof as the case may be. If any keeper of a common lodging-house offends against this enactment he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. A.D. 1897.

85. Every common lodging-house whether registered before or after the passing of this Act shall be provided with sufficient sanitary conveniences having regard to the number of lodgers who may be received into such common lodging-house and all water-closets and urinals shall be provided with a proper water supply laid on for flushing purposes. Any keeper of a common lodging-house who shall make default for twenty-eight days in complying with a notice from the Corporation requiring him to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. The expression "sanitary conveniences" in this section includes urinals water-closets earth-closets privies pail-closets ashpits and any similar convenience. Sanitary convenience to be provided for inmates of common lodging-houses.

86. Every person who without being registered in accordance with section 77 of the Public Health Act 1875 shall keep a common lodging-house within the borough shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. Penalties on unregistered common lodging-house keepers.

87. The Corporation may notwithstanding the provisions of section 78 of the Public Health Act 1875 refuse to register any person as a common lodging-house keeper unless they are satisfied of his character and fitness for the position. Any person aggrieved by the refusal of the Corporation to register such person may appeal to a petty sessional court held for the borough after the expiration of two clear days after such refusal provided he give twenty-four hours' notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as they may think fit and award such costs to be recoverable in like manner as a penalty under this Act. Power to refuse registration of common lodging-house keepers.

88. Notice of the provisions of this part of this Act shall be served upon the keeper of every common lodging-house either personally or by leaving the same at the common lodging-house. Notice to common lodging-house keepers.

A.D. 1897.

PART XII.—RECREATION GROUNDS.

Power to
set apart
lands for
games.

89. The Corporation may from time to time set apart portions of any park or place of public resort or recreation for the time being belonging to or held by them for cricket football archery and other games and for the drill of volunteers yeomanry or cadets or any military or police force but so that the same shall be open to the public when not in use for such games or drill and the Corporation may make byelaws for regulating the use of the portions of the park or place so set apart.

Power to
provide
apparatus
for games.

90. The Corporation may provide apparatus for games and recreation for the use of the public frequenting the parks and pleasure grounds belonging to or under the management of the Corporation and may charge for the use thereof and they may lease or grant for any term not exceeding three years the right of providing and charging for such apparatus on such terms and conditions as they think proper.

Band of
music.

91. The Corporation may pay or contribute towards the payment of a band of music to perform in any park or pleasure or recreation ground or building for the time being belonging to or held by the Corporation as they may direct and the Corporation may enclose a small area within which such band shall play and make bylaws for regulating the time and place for the playing of the band the payments to be made for admission within such building or enclosure and for securing good and orderly conduct during the playing of the band Provided that the payments or contributions of the Corporation for or towards such band shall be paid out of the district fund and general district rate and shall not in any one year exceed the sum of fifty pounds.

Chairs and
seats for
public use.

92. The Corporation may from time to time place or authorise any person or persons to place seats or chairs in any park gardens pleasure ground recreation ground or other public place for the use of the public and may if they think fit charge or allow such person or persons to charge a reasonable sum for the use of chairs and may make regulations for the use of seats and chairs and for preventing injury or damage thereto.

PART XIII.—FINANCIAL PROVISIONS.

Power to
borrow.

93. The Corporation may from time to time independently of any other borrowing power borrow at interest any sum or sums of money

for the purposes herein-after mentioned not exceeding the respective amounts (when specified) following (that is to say) :—

- (1) For the construction of waterworks and purchase of land the sum of one hundred and ten thousand pounds ;
- (2) For the construction of the new street and purchase of land the sum of twelve thousand pounds ;
- (3) For the erection of a refuse destructor and purchase of land the sum of twelve thousand pounds ;
- (4) For the purposes of a technical institute and purchase of land the sum of twelve thousand pounds ;
- (5) For the purchase of land for the extension of the burial ground and for laying out such ground the sum of seven thousand pounds ;
- (6) For paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose :

And with the approval of the Local Government Board such further moneys as the Corporation may require for any of the purposes of this Act.

In order to secure the repayment of the moneys borrowed under this section for purposes (1) (2) (3) and (6) and the payment of the interest thereon the Corporation may mortgage or charge the district fund and general district rate and in addition thereto they may mortgage or charge the revenue of the undertaking in respect of which the moneys may be borrowed.

In order to secure the repayment of the moneys borrowed for purposes (4) and (5) under this section and the payment of the interest thereon the Corporation may mortgage or charge the borough fund and borough rate and in addition thereto they may mortgage or charge the revenue of the undertaking in respect of which the moneys may be borrowed.

The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

94. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say) :—

Payment off
of borrowed
money.

As to moneys borrowed for the purpose (1) mentioned in the preceding section within sixty years from the date or dates of the borrowing of the same ;

As to moneys borrowed for the purposes (2) (3) (4) and (5) mentioned in the preceding section within thirty-five years from the date or dates of the borrowing of the same ;

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As to moneys borrowed for the purpose (6) in the preceding section mentioned within five years from the date or dates of the borrowing of the same ;

As to moneys borrowed with the approval of the Local Government Board within such period (not exceeding sixty years) as they may think fit to sanction.

Mode of
payment off
of money
borrowed.

95.—(1) The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of these methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made not later than the thirty-first day of March next following the time of borrowing the sum in respect of which the payment is made.

(2) The following provisions shall apply in regard to any sinking fund to be formed under this Act:—

(A) The Corporation in every year shall appropriate and set apart out of the funds rates and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at a rate (in this section referred to as “the prescribed rate”) not exceeding three pounds per centum per annum be sufficient to pay off the principal moneys borrowed (so far as the same are repayable by means of a sinking fund) within the prescribed period :

(B) The yearly sums so appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in any statutory security and if and as often as the rate of interest produced by the investments is not equal to the prescribed rate any deficiency arising thereby shall be made good out of the respective funds or rates which are liable to contribute to the sinking fund :

(c) The Corporation may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys 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 such borrowed moneys are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the prescribed rate :

(d) Whenever and so long as the yearly income arising from the sinking fund would if the sinking fund were invested at the same rate of interest as is payable on the borrowed moneys then outstanding be equal to the annual interest of such borrowed moneys 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 the sinking fund of the yearly sums required to be so paid thereto. A.D. 1897.

96. The following sections of the Act of 1881 are incorporated herewith and shall apply mutatis mutandis to and in relation to moneys borrowed by the Corporation under this Act:—

Incorporation of parts of Act of 1881.

Section 52 (power to re-borrow) ;

Section 53 (mortgages under Act to be in accordance with Public Health Act) ;

Section 54 (power to borrow under Local Loans Act 1875) ;

Section 57 (annual return to Local Government Board with respect to sinking funds) ;

Section 58 (application of moneys borrowed) ;

Section 59 (saving priority of existing charges).

97. Notwithstanding anything contained in any Act order or sanction authorising the borrowing or raising by the Corporation of the several loans mentioned or referred to in the Fourth Schedule to this Act a uniform period of forty-one years from the thirty-first day of March one thousand eight hundred and ninety-seven shall be substituted for the periods prescribed by the said Act order or sanction for the repayment of those loans and in order to give effect to this enactment the following provisions shall apply (that is to say):—

As to uniform period for repayment of moneys already borrowed.

- (1) All statutory provisions and conditions imposed by any public department of State subsisting at the passing of this Act prescribing the time at which or the mode in which any such loans shall be repaid are as regards the said loans hereby repealed and annulled and all such loans shall be paid off within forty-one years from the thirty-first day of March one thousand eight hundred and ninety-seven. Provided that nothing in this subsection shall be construed to compel the holder of any mortgage or other security granted before the passing of this Act to accept payment of the principal due on his security before the time originally fixed or otherwise agreed in that behalf and the Corporation may continue on loan the sums of money secured by any such mortgage or other security until the time originally fixed or otherwise agreed for the repayment thereof :

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- (2) All payments of any of such loans shall be effected either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund :
- (3) The sinking fund shall be applicable to all such loans as the Corporation do not repay by instalments as aforesaid and shall be as follows The Corporation year by year after the year one thousand eight hundred and ninety-seven shall on or before the thirty-first day of March appropriate and set apart out of the respective funds and rates on the security of which such loans have been raised such sums (the amount of which shall be equal in every year) as will together with the amount on the thirty-first day of March one thousand eight hundred and ninety-seven standing or which should have been standing to the credit of any existing sinking fund formed for the purpose of repaying any such loans when accumulated by way of compound interest at a rate not exceeding three per centum per annum be sufficient to pay off within the said period of forty-one years the balance outstanding at that date of so much of the principal moneys respectively set forth in the Fourth Schedule to this Act as is to be paid off by means of a sinking fund :
- (4) Every such sinking fund existing or which should have been existing on the thirty-first day of March one thousand eight hundred and ninety-seven shall be made up to the proper amount and shall be transferred to the corresponding account in the sinking fund to be formed under this section Provided that in the event of any existing loan repayable by instalments being paid off at any intermediate period between the periods prescribed for the payment of the instalments the Corporation shall pay into the sinking fund (if any) under this section applicable to such loan a proportionate part of the accruing instalment and if there is no such sinking fund such accruing part shall be applied as the Local Government Board may direct :
- (5) The yearly sums so to be appropriated and set apart and the sums so to be transferred shall be invested from time to time and accumulated in the way of compound interest by investing the same respectively and the dividends interest and annual income thereof in any statutory security as herein-after in this section defined Provided that if in any year the income arising from the investments of such sinking fund does not equal the prescribed rate of accumulation any deficiency shall be made good out of the current rates and revenues of the Corporation

respectively liable for the equal annual payments to the sinking fund: A.D. 1897.

(6) The Corporation may at any time apply the whole or part of the sinking fund set apart or transferred as aforesaid by them under this Act in or towards the repayment of the loan for the repayment of which such sinking fund was set apart in such order and manner as they deem proper Provided that in that case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the loan to which such sinking fund is applicable is discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the annual payments to the sinking fund are based Provided also that when the amount standing to the credit of the sinking fund shall be equal to the amount of the loan outstanding for the repayment of which it was set aside 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:

(7) If at the expiration of the aforesaid period of forty-one years any mortgages granted before the passing of this Act the holders of which cannot be compelled to accept payment of the sums due to them within the said period are still outstanding the Corporation may keep invested after the expiration of the aforesaid period of forty-one years such portion of the aforesaid sinking fund as shall be sufficient to pay off the principal moneys secured by such mortgages and the Corporation shall pay off the same at the times respectively mentioned in that behalf in the respective mortgage deeds and the interest on any such mortgages after the expiration of the said period of forty-one years and until the same are respectively paid off as herein-before provided shall be paid out of the interest and annual proceeds of the moneys which the Corporation are by this subsection empowered to keep invested as aforesaid and if at any time such interest and annual proceeds are insufficient to pay in full the interest on the said mortgages the deficiency so arising shall be made good out of the respective funds or rates which at the passing of this Act are liable in respect of such mortgages and in the order in which they are so liable:

(8) Any security (not being annuities rents rentcharges or securities transferable by delivery) in which trustees are for the time being by or under any Act of Parliament passed or to

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be passed authorised to invest trust money and any mortgage bond debenture debenture stock Corporation stock or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation in Great Britain (except the Corporation) or of any other local authority within section 34 of the Local Loans Act 1875 is for the purposes of this part of this Act a statutory security.

Inquiries by
and expenses
of Local
Government
Board.

98.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Corporation
may contri-
bute towards
insuring
their servants
against
accident.

99. It shall be lawful for the Corporation to contribute to any guarantee fund for the purpose of providing against accident to the workmen firemen and other servants in the employ of the Corporation and the Corporation may enter into and carry into effect any contract with any insurance company for the insurance against accident of such persons as aforesaid and the amount of such contribution or of any payment under such contract shall be paid out of the general district rate.

PART XIV.—RATES.

Collection
of local
rates.

100. The Local Government Board may prescribe a form of rate to include the poor rate borough rate general district rate water rate or any other rate and they may in respect of such rates prescribe a form of demand note receipt and other necessary documents in respect of such rates and any form so prescribed shall be sufficient in law.

PART XV.—MISCELLANEOUS.

General
provisions
as to bye-
laws.

101. All the provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 except so much thereof as relates exclusively to byelaws of a rural sanitary authority

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shall apply to all byelaws made by the Corporation under the powers of this Act Provided that the Secretary of State shall be the confirming authority for byelaws made under the section of which the marginal note is "Regulation of shows caravans &c."

102. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Act 1875. Compensation how to be determined.

103.—(1) Every undertaking or agreement under seal expressed to be made in pursuance of this section and given by or to the Corporation to or by any owner of property on the passing of plans or otherwise in connexion with the property of such owner and registered as herein-after provided shall be binding upon the owner of the property for the time being and all persons claiming through or under him and upon the Corporation and such owner shall be entitled to require from the Corporation a copy of such undertaking or agreement. Undertakings to be binding on successive owners.

(2) The Corporation shall keep a register of such undertakings and agreements and within seven days after the date of any such undertaking or agreement an entry thereof shall be made in the register showing the names and descriptions of the parties thereto and the purport of the undertaking or agreement and the property in respect of which the same is given or entered into such register shall contain a suitable index relating to such property.

(3) Every such register shall be open to inspection by any person at all reasonable times on payment of a sum not exceeding one shilling in respect of each name or property searched for and the Corporation shall furnish copies of any part of such register to any person applying for the same on payment of such reasonable sum as may be fixed by the Corporation and any sums received under this subsection shall be carried to the credit of the district fund.

(4) If the town clerk or other person having the custody of such register shall refuse to allow such inspection or to furnish such copies he shall be liable to a penalty not exceeding five pounds for each refusal such penalty to be recoverable by the person aggrieved in a summary manner.

(5) Where at the time of such undertaking or agreement being given the legal estate in the property to which such undertaking or agreement relates is not vested in the owner thereof as defined by this section such undertaking or agreement shall not be binding upon the person in whom the legal estate in such property is at that date vested or upon his successors in title unless such person

A.D. 1897. joins in such undertaking or agreement nor shall any undertaking or agreement relating to property to which the owner is entitled for a term of years only be binding upon any person for the time being entitled to such property in reversion immediate or otherwise unless such person joins in such undertaking or agreement.

(6) In this section the expression "owner" means the person for the time being receiving the rack rent of the property in respect of which such undertaking or agreement is given whether on his own account or as trustee for any other person or who would so receive the same if such property were let at a rack rent.

Erection of posts and wires.

104. The Corporation may if they think fit erect fix or lay down or permit to be erected fixed or laid down in any street within the borough or within any district in which any water or other works of the Corporation are situate posts wires and other appliances for the conveyance or transmission of messages by electricity but so that the safety and convenience of passengers be not interfered with Provided that the Corporation shall not exercise the powers conferred by this section in any district beyond the borough except with the consent of the urban or rural district council of such district:

Provided also that nothing in this section shall authorise the Corporation to erect or use any wires or other appliances by which any wires or apparatus of the National Telephone Company Limited or the use thereof for telephonic communication may be injuriously affected.

Saving for Postmaster-General.

105. Nothing in this Act shall be deemed to authorise the Corporation to transmit telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Acts 1863 to 1892 or to erect or use any wires or other appliances for the conveyance or transmission of electricity by which any telegraphic line of the Postmaster-General may be injuriously affected The expression "telegraphic line" has the same meaning in this section as in the Telegraph Act 1878 and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is whether through induction or otherwise in any manner affected.

Unfenced ground.

106. Any unfenced ground adjoining or abutting upon any street shall for the purposes of the Vagrancy Act 1824 and any Act for the time being in force altering or amending the same be deemed to be a public place.

Captain of fire brigade or other officer to

107.—(1) The captain or superintendent of the fire brigade of the Corporation or other officer of such fire brigade for the time being in charge of the engine or other apparatus for extinguishing

fires attending at any fire within the borough shall from the time of his arrival and during his presence thereat have the sole charge and control of all operations for the putting out of such fire whether by the Corporation or any other fire brigade including the fixing of the positions of fire engines and apparatus the attaching of hose to any water pipes or water supply and the selection of the parts of the building on fire or of adjoining buildings against which the water is to be directed.

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have control of operations at fires.

(2) Such captain superintendent or other officer in charge shall have power to stop or regulate the traffic in any street whenever in his opinion it is necessary or desirable to stop or regulate such traffic for the purpose of extinguishing any fire or for the safety or protection of life or property.

108. Any police constable acting under the orders of his superintendent or inspector and any member of the fire brigade of the Corporation being on duty and any officer of the Corporation may enter and if necessary break into any building in the borough being or reasonably supposed to be on fire or any buildings or lands adjoining or near thereto without the consent of the owner or occupier thereof respectively and may do all such acts and things as he may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

Power to police constable &c. to enter and break open premises in case of fire.

109. Whenever the Corporation under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work act or thing in default of the owner or occupier and in the absence of misconduct or negligence on the part of the Corporation or of any contractor or person employed by them are required to pay any damages penalties costs charges and expenses for or in respect of or consequent upon the executing re-executing or altering such work act or thing the amount thereof when paid shall be added to and be deemed to be part of the expenses payable by such owner or occupier.

In executing works for owner Corporation not liable for damage save in case of negligence.

110. All informations under or for the breach of any of the provisions of this Act or of any byelaw made thereunder may be laid by any officer of the Corporation duly authorised in that behalf or by the town clerk.

Information by whom to be laid.

111. In the case of any notice or other such document under this Act requiring authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication Notices orders and any other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health

Authentication and service of notices.

A.D. 1897. — Act 1875 are by section 267 of that Act authorised to be served
Provided always that in the case of any company any such notice or document shall be delivered or sent by post addressed to the secretary or clerk of the company at their principal office or place of business.

Consent of Corporation to be in writing.

112. All consents of and permissions by the Corporation shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk.

Damages and charges in case of dispute to be settled by justices.

113. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted and may be recovered in the same manner as penalties.

As to appeal.

114. Any person deeming himself aggrieved by any order judgment determination or requirement or the making or withholding of any certificate licence or consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order the Corporation may in like manner appeal.

Recovery of penalties &c.

115. Offences against this Act and penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner.

Penalties to be paid over to the treasurer.

116. All penalties recovered by the Corporation or any officer of the Corporation on their behalf under this Act or any byelaw thereunder shall be paid to the treasurer and shall be carried by him to the credit of the district fund.

Powers of Act cumulative.

117. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by the Public Health Acts and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

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

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—
Audit of
accounts.

119. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid shall after taxation by the taxing officer of the House of Lords or House of Commons be paid by the Corporation out of moneys to be borrowed by the Corporation under this Act but may in the first instance be paid by the Corporation out of any of their rates or funds and moneys so paid shall be recouped by and charged to the moneys to be borrowed under this Act.

Expenses of
Act.

A.D. 1897. The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

LANDS UPON WHICH A REFUSE DESTRUCTOR MAY BE ERECTED.

A piece of land situate in the borough and township of Colne in the parish of Whalley and county palatine of Lancaster numbered 848 on the 25-inch ordnance map of the said parish and belonging or reputed to belong to Thomas Towneley Towneley Parker and now in the occupation of the Corporation.

THE SECOND SCHEDULE.

AN AGREEMENT made this twenty-fourth day of March one thousand eight hundred and ninety-seven between the MAYOR ALDERMEN and BURGESSES of the BOROUGH of COLNE in the county of Lancaster (herein-after called "the Corporation") of the one part and the URBAN DISTRICT COUNCIL of TRAWDEN in the said county (herein-after called "the Council") of the other part.

The Corporation shall as soon as reasonably practicable after the completion of the works by this Act authorised if and whenever so required by the Council supply in bulk for distribution by the Council all such water as the Council may from time to time require and demand but shall not be bound to supply a quantity per head of the population of the district of the Council for the time being exceeding twenty-five gallons per head per day and the Council shall if they so require it take and accept the same water at the price and upon the conditions herein-after contained The Corporation shall not be bound at any time to lay on the supply of water at an elevation at which it cannot be supplied by gravitation from the existing reservoir known as Bent's reservoir.

The water shall be supplied through a meter herein-after provided for (the register of which shall be deemed conclusive) at the price of sixpence per one thousand gallons until the expiration of seven years from the commencement of the supply to the Council after the expiration of that period if the Council still require a supply the price per one thousand gallons or otherwise shall be such as may be mutually agreed upon between the said parties hereto but in no case shall a higher rate of charges be fixed for the said Trawden Urban District than shall be in force within the said borough.

The Council shall provide and keep in repair a proper meter sufficiently protected from the weather for the purpose of registering the supply provided

for in Article 2 hereof which meter the Corporation may from time to time require the Council to have tested and if the same be found to be inaccurate the cost of such testing shall be borne by the Council but if found to be accurate then such cost shall be borne by the Corporation. A.D. 1897.

If at any time by reason of inevitable accident excessive drought or from any other cause the Corporation shall be under necessity of temporarily diminishing the supply of water within their water supply limits below the average of twenty-five gallons per head per day of the population of their water limits the Corporation shall be at liberty to diminish the supply to the district of the Council in the like proportion and for the same period.

The Council shall forthwith withdraw their opposition to the Colne Corporation Bill now pending in Parliament and shall offer no further opposition to the water scheme thereunder of the Corporation.

Nothing herein or in the Act for which the Bill has been presented shall be deemed in any way to restrict the power of the Council to acquire or construct waterworks of their own within their district or to supply water therein by means of such works or from entering into arrangements for obtaining a supply of water from any other bodies or persons.

In case any difference or dispute shall at any time arise touching this agreement or any matter or thing relating thereto the same shall be referred to an engineer to be agreed upon between the parties and in default of agreement to be named by the President for the time being of the Institution of Civil Engineers whose decision shall be binding on both parties and the costs charges and expenses of or incidental to the reference and award shall be in the discretion of the arbitrator and with regard to the mode and consequence of the reference the same shall conform to the provisions in that behalf of the Arbitration Act 1889 or any then subsisting statutory modifications thereof.

In witness whereof the Corporation and the Council have hereunto affixed their respective common seals.

The common seal of the mayor aldermen and burgesses of the borough of Colne was hereunto affixed at a meeting of the town council held the twenty-fourth day of March one thousand eight hundred and ninety-seven in the presence of

SAM^L. CATLOW

Mayor.

The common seal of the urban district council of Trawden was affixed hereto and James Watson the chairman of the council subscribed his name in the presence of

JOHN TATHAM.

JAMES WATSON

Chairman.

A.D. 1897.

THE THIRD SCHEDULE.

STALLAGES AND RENTS.

PART I.—IN THE MARKET HOUSE.

(a) *Vegetable and other Stalls.*

£ s. d.

From the occupier of every stall raised above the ground for the sale of vegetables fruit game poultry china glass earthenware baskets hardware or other marketable commodities according to the size dimensions and position of the stall and including the charge for lighting and water for ordinary purposes namely for every lineal foot of frontage thereof and so in proportion for less than a foot:—

If let by the year any yearly sum not exceeding -	-	2	0	0
If let by the half-year any half-yearly sum not exceeding		1	0	0
If let by the quarter any quarterly sum not exceeding -	-	0	10	0
If let by the week any weekly sum not exceeding -	-	0	1	0
If otherwise let or occupied for every market day or part of a market day any sum not exceeding -	-	0	0	6

(b) *Shops.*

From the occupier of every enclosed shop for the sale of butcher's meat game poultry fish vegetables fruit china glass earthenware baskets hardware or other marketable commodities according to the size dimensions and position of the shop and including the charge for lighting and water for ordinary purposes namely for every lineal foot of the frontage thereof and so in proportion for less than a foot:—

If let by the year any yearly sum not exceeding -	-	6	0	0
If let by the half-year any half-yearly sum not exceeding		3	0	0
If let by the quarter any quarterly sum not exceeding -	-	1	10	0
If let by the week any weekly sum not exceeding -	-	0	3	0
If otherwise let or occupied for every market day or part of a market day any sum not exceeding -	-	0	2	6

PART II.—IN THE MARKET PLACE OUTSIDE THE MARKET HOUSE. A.D. 1897.

(a) *Stands &c.*

£ s. d.

For every superficial square foot or fraction of a superficial square foot of ground used or occupied by any person for selling or offering for sale in or on any carriage truck wheelbarrow table stand or other convenience any articles or things not hereinbefore specifically charged or enumerated for every market day or part of a market day any sum not exceeding - - 0 0 1½

(b) *Ground Space.*

For every superficial square foot or fraction of a superficial square foot of ground used or occupied on any market day by persons for selling or offering for sale any fruit or vegetables any sum not exceeding - - - - - - 0 0 2

For each and every superficial square foot or part of a superficial square foot of ground occupied by any show caravan exhibition booth tent theatre swing roundabout rifle gallery stall stand or other place or means of amusement or entertainment for every market day or part of a market day any sum not exceeding - - - - - - 0 0 2

PART III.—BASKETS OF PRODUCE &c.

For every basket parcel or quantity of butter not exceeding six pounds the sum of - - - - - - 0 0 1

For ditto exceeding six pounds and not exceeding twelve pounds the sum of - - - - - - 0 0 2

For every additional six pounds the sum of - - - - - - 0 0 1

For poultry including fowls chickens and ducks wild fowls pigeons and rabbits not exceeding half a dozen the sum of - - - - - - 0 0 1

For ditto for each additional half dozen the sum of - - - - - - 0 0 1

For every turkey goose or sucking pig the sum of - - - - - - 0 0 1

For every basket parcel or quantity of eggs under one dozen the sum of - - - - - - 0 0 0½

And for each additional dozen the sum of - - - - - - 0 0 0½

For every basket hamper parcel or quantity of any other goods commodity article or thing exposed or offered for sale not before specifically charged or enumerated or falling within any of the preceding heads and not containing more than one bushel the sum of - - - - - - 0 0 1

And for every additional half-bushel the sum of - - - - - - 0 0 0½

A.D. 1897.

PART IV.—THE CATTLE MARKET.

	£	s.	d.
For the exposure to sale of horses or other beasts cattle or pigs as follows videlicet—			
For every horse mare or gelding not exceeding thirteen hands in height - - - - -	0	0	3
For every horse mare or gelding exceeding thirteen hands in height - - - - -	0	0	6
For every colt or filly - - - - -	0	0	2
For every mule or ass - - - - -	0	0	2
For every bull or ox heifer or steer - - - - -	0	0	4
For every calf - - - - -	0	0	2
For every sheep or lamb - - - - -	0	0	1
For every pig - - - - -	0	0	1
For every sucking pig - - - - -	0	0	0½

PART V.—WEIGHING AND MEASURING.

For weighing every piece of meat or thing weighing not more than twenty pounds avoirdupois - - - - -	0	0	0½
For weighing every piece of meat or thing weighing more than twenty pounds avoirdupois and not exceeding one hundred pounds - - - - -	0	0	1
And so in proportion for any greater or smaller quantity than one hundred pounds weight over and above one hundred pounds weight.			
For measuring every quantity of goods and things sold by measure not exceeding one bushel - - - - -	0	0	0½
For measuring every quantity more than a bushel and not exceeding two bushels - - - - -	0	0	1
And for every bushel beyond two bushels - - - - -	0	0	0½

PART VI.—WEIGHING MACHINES.

For weighing any cart, waggon or other carriage not exceeding one ton - - - - -	0	0	3½
And so in proportion for any greater or smaller weight than one ton over and above one ton.			

THE FOURTH SCHEDULE.

A.D. 1897

STATEMENT of the OUTSTANDING LOANS of the CORPORATION under Colne Gas Act 1877 and the Colne and Marsden Local Board Act 1881.

Purpose of Loan.	Amount sanctioned to be borrowed.	Period of Years authorised for repayment.	Amount originally borrowed.	Date of original borrowing.	Loans repaid from Sinking Fund.	Amount in Sinking Fund 31st March 1897.	Amount of Loans outstanding 31st March 1897.
	£		£		£	£	£
Gasworks -	45,000	55	34,000	1877			
			5,000	1882			
			1,000	1885			
			2,100	1887			
			2,900	1889			
	3,950	50	3,950	1892			
	18,050	30	13,400	1892			
			4,450	1893			
			200	1894			
	10,300	50	10,300	1895			
	5,000	18	5,000	1896			
	5,555	10	5,555	1896			
	538	20	538	1896			
	8,907	30	8,907	1896	8,700	1,656	88,600
Waterworks -	50,000	65	31,040	1881			
			1,900	1885			
			17,000	1886			
	15,000	65	9,900	1887			
			5,160	1889			
	4,000	30	1,000	1894			
			3,000	1895	3,400	716	65,600
Sewage Works -	20,000	55	6,100	1883			
			13,900	1884-5			
	5,000	55	10,000	1885			
	23,180	55	11,950	1886			
			900	1887			
			1,600	1888			
			1,300	1889			
			1,200	1893			
			1,230	1894			
	2,500	30	2,500	1895			
	3,000	25	3,000	1895	2,800	756	50,880
Public Offices -	13,000	55	8,900	1892			
			1,100	1893			
			2,000	1895			
			1,000	1895	—	252	13,000
Street improvements.	5,500	55	2,500	1885			
			2,300	1886			
			400	1888	—	338	5,200
	238,480	—	238,180	—	14,900	3,718	223,280

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