



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. cxi.

An Act for better paving, lighting, watching, sewer-
ing, draining, cleansing, and otherwise improving
the Town and Neighbourhood of *Huddersfield* in
the West Riding of the County of *York*; for
maintaining an efficient Police; and removing
and preventing Nuisances and Annoyances
therein. [14th August 1848.]

WHEREAS an Act was passed in the First Year of the
Reign of His late Majesty King *George* the Fourth,
intituled *An Act for lighting, watching, and cleansing the* 1 G. 4. c. 43.
Town of Huddersfield in the West Riding of the County of York,
whereby certain Powers were given to certain Persons therein named
and from Time to Time to be appointed Commissioners for the
several Purposes contained in the said recited Act: And whereas
the said Commissioners have proceeded to carry into execution the
several Powers and Authorities vested in them by the said recited
Act, and have raised and expended considerable Sums of Money in
lighting, watching, and cleansing the different Thoroughfares within
the said Town: And whereas there are many Provisions, Powers,
and Authorities contained in the said recited Act, which in the
[Local.] 21 A Execution

Execution thereof have been found defective and insufficient for carrying into effect the Purposes for which they were respectively enacted, and it is expedient that the same should be repealed: And whereas the Purposes aforesaid might be more efficiently and conveniently effected, and the sanitary Condition of the said Town and Neighbourhood materially improved, if the said recited Act were repealed and other Powers and Provisions granted in lieu thereof: And whereas Sir *John William Ramsden* Baronet claims to be Lord of the Manor of *Huddersfield* aforesaid, and to be seised of the Ground and Soil of the said Town, and is possessed of or vested with many of the Powers and Authorities proposed to be created or given by this Act: 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of the same, That the said recited Act, and all Matters and Things therein contained, shall be and the same is hereby repealed.

Recited Act repealed.

Contracts, &c. under recited Act to remain in force.

II. And be it enacted, That all Contracts, Mortgages, Bonds, and Engagements heretofore made by or with the Commissioners acting under and by virtue of the said recited Act, in pursuance of the Powers therein contained, and all Rates, Assessments, and Orders for the Payment of any Money by any Person whomsoever under and by virtue of the said recited Act, shall be in full Force and Effect in the same Manner as if the said recited Act had not been repealed; and that the Performance of such Contracts, and the Payment of the said several Sums of Money may be enforced by the Commissioners for putting this Act into execution, or any of them, or any other Person interested therein; and the said several Rates and Assessments may be levied and recovered in the same Manner as if such Contracts, Mortgages, Bonds, Engagements, Rates, or Assessments had been respectively made, and such several Sums of Money had respectively become due, under and by virtue of this Act.

Persons who have acted under recited Act to account for Monies and deliver up Books.

III. And be it enacted, That all the Persons acting or who have acted under the said recited Act, who shall have in their Custody, Power, or Possession any Money, Goods, or Effects collected, received, or purchased under or by virtue of the said recited Act, or any Books, Papers, or Writings relating to the Execution of the said recited Act, shall forthwith pay and deliver up the same to the Commissioners appointed under this Act, or to such other Person as they shall appoint to receive the same; and in case of Neglect or Refusal the Person so neglecting or refusing shall forfeit and pay any Sum not exceeding Fifty Pounds, and also be liable to such Actions or other Proceedings as the Commissioners may legally commence for the Recovery of such Money, Goods, or Effects, Books, Papers, or Writings so refused or neglected to be delivered up as aforesaid.

Books of former Commissioners may be re-

IV. And be it enacted, That all Rate Books and all Entries therein, and all Registers and Books of Proceedings, and other Books whatsoever of the Commissioners under the said recited Act, and kept according

according to the Directions of the said recited Act, and made Evidence thereby, or which might have been received in Evidence at the Time of the passing of this Act, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

V. And be it enacted, That the "Lands Clauses Consolidation Act, 1845," "with respect to the Purchase of Lands by Agreement," and "with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating or not making Title," and "with respect to the Conveyances of Lands;" and "with respect to Lands acquired by the Promoters of the Undertaking under the Provisions of this Act, or any Act incorporated herewith, but which shall not be required for the Purposes hereof," shall be incorporated with and form Part of this Act.

ceived in Evidence.

Certain Provisions of 8 & 9 Vict. c. 18. incorporated with this Act.

VI. And be it enacted, That nothing contained in this Act or any Act incorporated herewith shall authorize the Commissioners to purchase or take any Lands or other Hereditaments unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof; provided nevertheless, that all the Powers and Authorities for the Purchase and taking of Lands or other Hereditaments contained in "The Towns Improvement Clauses Act, 1847," with respect to improving the Line of the Streets and removing Obstructions, and with respect to cleansing the Streets, shall be vested in and executed by the Commissioners.

Lands not to be taken without Consent.

VII. And be it enacted, That wherever the Lands Clauses Consolidation Act, 1845, "with respect to the Purchase and taking of Lands otherwise than by Agreement," is incorporated in this Act; the Compensation to be made to the Owners of or Parties interested in such Lands by this Act or the said Lands Clauses Consolidation Act, 1845, enabled to sell and convey or release any Lands taken or required for the Purposes of or injuriously affected by the Execution of this Act, shall, where such Compensation claimed, or where no Amount is claimed the Compensation offered does not exceed Fifty Pounds, be settled by Two Justices; and if the Compensation claimed or offered shall exceed Fifty Pounds, and if the Party claiming Compensation desire to have the same settled by Arbitration, and signify such Desire by Notice in Writing to the Commissioners before they have issued the Warrant to the Sheriff to summon a Jury in respect of such Lands, under the Provisions contained in the said Lands Clauses Consolidation Act, 1845, stating in such Notice the Nature of the Interest in respect of which such Party claims Compensation, and the Amount of Compensation so claimed, the same shall be so settled accordingly; but unless the Party claiming Compensation shall as aforesaid signify his Desire to have the Question of such Compensation settled by Arbitration, or if, where the Matter shall have been referred to Arbitration, no Award (in the Case where Two Arbitrators and an Umpire have been appointed) shall have been made by the Arbitrators within Three Months after the Day on which the last of such Arbitrators shall have been appointed, or by the Umpire within Three Months after the Day on which the Authority of the Arbitrators shall have terminated, or (in the case where a

Settlement of Disputes as to Compensation where Amount claimed, &c. does not exceed 50l.

Compensation as to where Amount exceeds 50l.

single

single Arbitrator has been appointed either by both Parties or to act on behalf of both Parties) no Award shall have been made by him within Three Months after the Day on which such Appointment shall have been made, or if no final Award shall have been made, the Question of such Compensation shall be settled by the Verdict of a Jury, as provided by the said Lands Clauses Consolidation Act, 1845.

Commissioners to sell Lands not required for Purposes of this Act.

VIII. And be it enacted, That the Commissioners acting in the Execution of this Act shall from Time to Time absolutely sell and dispose of, to the Person and in the Manner by the said Lands Clauses Consolidation Act, 1845, in this Behalf provided, all Lands acquired by them or their Predecessors, which shall not be required for the Purposes of this Act, within Five Years after such Lands shall not be so required, although the same or any Part thereof be situate within a Town or be Lands built upon or used for Building Purposes.

Application of Money.

IX. And be it enacted, That all Monies which shall come to the Hands of the Commissioners, in consequence of the Sale of any Lands under the Provisions of this Act, or any Act incorporated herewith, shall be applied and disposed of in paying off any Principal Money at the Time due and owing on the Credit of the Improvement Rates hereby authorized to be levied, and subject thereto towards the general Purposes of this Act.

Provisions of 10 & 11 Vict. cc. 16. 34. & 89. incorporated with this Act.

X. And be it enacted, That "The Commissioners Clauses Act, 1847," "The Towns Improvement Clauses Act, 1847," and "The Town Police Clauses Act, 1847," in so far as such Acts are consistent with or are not expressly altered, varied, or excepted by this Act, shall be incorporated with and form Part of this Act.

Certain Provisions of 10 & 11 Vict. c.15. to apply to the Commissioners.

XI. And be it enacted, That the following Clauses of the Gas Works Clauses Act, 1847, shall apply to the Commissioners, and be incorporated with this Act; (that is to say), the Clauses "with respect to the breaking up of Streets for the Purpose of laying Pipes," "with respect to Injury to the Pipes and other Works," and "with respect to the Provision for guarding against fouling Water or other Nuisance from the Gas."

Short Title.

XII. And be it enacted, That in citing this Act in other Acts of Parliament, and in all legal Proceedings or Instruments, it shall be sufficient to use the Expression "The *Huddersfield* Improvement Act, 1848."

Limits of Act.

XIII. And be it enacted, That the Limits of this Act shall comprise and include so much and such Parts of the several Hamlets of *Huddersfield*, *Bradley*, *Deighton-with-Sheepridge*, *Fartown*, and *Marsh-with-Paddock*, in the Township and Parish of *Huddersfield* aforesaid, as are within a Radius of Twelve hundred Yards in every Direction from the Spot where the Old Cross formerly stood, in the Centre of the Market Place in *Huddersfield* aforesaid.

XIV. And

XIV. And be it enacted, That the Number of Commissioners shall be Twenty-one, of whom Seven shall be a Quorum, and that *Joseph Armitage* Esquire, *George Armitage* Esquire, *James Booth*, *Joseph Beaumont* junior, *John Brook*, *Thomas Pearson Crossland*, *Edmond Eastwood*, *Thomas Firth* Tea Dealer, *Thomas Atkinson Heaps*, *Abraham Hirst*, *William Kaye*, *Jere Kaye*, *Thomas Mallinson*, *William Moore*, *John Newhouse*, *Samuel Routledge*, *John Sutcliffe* Esquire, and *Joseph Shaw*, and their Successors, to be qualified and elected as herein-after mentioned, and the Persons to be nominated and appointed by the Lord of the Manor, as herein-after mentioned, and their Successors, shall be the Commissioners for the Purposes of this Act, and for making and maintaining all Works and Conveniences which they may deem necessary for such Purposes, subject to the Provisions contained in this Act and in the several Acts incorporated herewith, and shall be called "The *Huddersfield* Improvement Commissioners."

Appointment of Commissioners and their Duties.

XV. And be it enacted, That every Person who shall be appointed a Commissioner under this Act (except the Persons to be nominated and appointed by the Lord of the Manor) shall be a Resident within Five Miles from the Place where the Old Cross formerly stood in the Centre of the Market Place in *Huddersfield* aforesaid, and rated to the Relief of the Poor in respect of Property situate within the Limits of this Act in a Sum of not less than Thirty Pounds rateable yearly Value, or being rated to the Relief of the Poor in respect of Property within the said Limits, be in his own Right or in the Right of his Wife in the actual Possession and Receipt of the Rents and Profits of Lands and Hereditaments within such Limits of the annual Value of Fifty Pounds over and above all Incumbrances, or being rated to the Relief of the Poor in respect of Property within the said Limits, be possessed of a Personal Estate of not less than One thousand Pounds beyond what will satisfy all his Debts.

Qualification of Commissioners.

XVI. And be it enacted, That it shall be lawful for the Lord of the Manor to nominate and appoint, by Writing, any Number of Persons, whether qualified as herein provided or not, not exceeding the Number of Three, to act as Commissioners under the Provisions of this Act, and from Time to Time, as any One or more of such Persons so nominated and appointed shall die, or in the Opinion of the Lord of the Manor shall become disqualified or incapable to act as such Commissioner or Commissioners, or shall go out of Office by Rotation, it shall be lawful for the said Lord of the Manor so to nominate and appoint another Commissioner or other Commissioners to act under the Provisions of this Act in the place of him or them so dying, or becoming disqualified or incapable to act, or going out of Office by Rotation as aforesaid.

Lord of the Manor to appoint Three Commissioners.

XVII. And be it enacted, That in each Year One of the said Commissioners so to be nominated and appointed by the said Lord of the Manor as herein-before provided shall go out of Office by Rotation in the Manner prescribed by the said "Commissioners Clauses Act, 1847," and that such last-mentioned Commissioner so going out of Office by Rotation, or otherwise ceasing to be a Com-

Only One of such Commissioners in each Year to go out of Office by Rotation.

missioner, may be re-appointed by the Lord of the Manor, or may be elected, and with reference to going out by Rotation be considered a new Commissioner.

Certain Commissioners not to act as such in certain Cases.

XVIII. And be it enacted, That it shall not be lawful for the Commissioners to be nominated by or on behalf of the Lord of the Manor as herein-before provided to act as such Commissioners for deciding upon or entering into any Contract between the Commissioners and the Lord of the Manor.

Qualification of Electors, and Scale of voting.

XIX. And be it enacted, That every Male Person rated under this Act to the general Rates thereof shall be entitled to vote in the Election of Commissioners to act under the Provisions of this Act in respect of such rating according to the Scale and in the Manner and Form specified in and provided by the said "Commissioners Clauses Act, 1847."

As to future Extension of the Limits by Order in Council.

XX. And be it enacted, That it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, upon the Application of the Lord of the Manor and the Commissioners for the Time being acting under this Act, from Time to Time, or at any Time hereafter, by Order in Council, to extend the Limits of this Act so as to comprise therein either the whole or any additional Part of the said several Hamlets, provided that such Application on the Part of the Commissioners shall be made in pursuance of Resolutions to be agreed upon by them at Two Meetings of the said Commissioners, to be specially called for that Purpose, between which said Meetings an Interval of at least One Month shall have elapsed; and no such Order in Council shall be made unless Notice of the intended Application for the same shall have been given in the *London Gazette*, and Twice in some and the same Newspaper circulating within the Limits of this Act, the last of which Advertisements shall be inserted in such Gazette and Newspaper at least One Month prior to the Time appointed for taking such Application into consideration as aforesaid; and all Proprietors or Occupiers residing or having Property within the Limits of this Act, or within the District to be comprised within such proposed Extension of such Limits, may be heard in opposition to the granting of such Order.

Time when Orders in Council shall take effect.

XXI. And be it enacted, That any and every such Order so to be made as aforesaid for the Extension of the Limits of this Act shall be advertised in the *London Gazette* within Fourteen Days after the making of such respective Orders, and from and immediately after the Insertion of such Advertisement the Commissioners for the Time being acting in the Execution of this Act shall have, acquire, and be subject to such and the same Powers, Duties, and Authorities over and within such extended District so to be comprised in any such Order as to lighting, watching, paving, cleansing, regulating, surveying, draining, and improving the same and the Houses therein, and of levying Rates therein, and all such other Powers and Authorities as are granted over the present Limits thereof by this Act, or by the Acts incorporated herewith.

• XXII. And

XXII. And be it enacted, That it shall be lawful for the Commissioners and they are hereby authorized and empowered, for the Purpose of lighting the Streets within the Limits of this Act, from Time to Time and at such Time or Times as they shall think fit, to purchase and provide such and so many Lamps, Lamp Irons, Lamp Posts, and Pipes, and all such other Matters and Things for lighting such Lamps either by Oil or Gas or in any other Manner as they shall judge necessary, and to direct the same to be affixed and set up on or against the Walls and Palisadoes of any House, Tenement, or Building, or Wall in any of such Streets, or in any other Manner they shall think proper and convenient, and from Time to Time to take or cause the same to be taken down, altered, or removed, when and as often as they shall think fit, and to cause such Lamps or any of them to be lighted at such Seasons of the Year, and on such Evenings, in such Manner and at such Hours of the Evening, and to be kept burning for so many Hours as shall to the Commissioners seem necessary or proper for the well and sufficient lighting of all or any of such Streets: Provided nevertheless, that no such Lamps, Lamp Irons, Lamp Posts, or Pipes shall be affixed or set up on or against the Wall of any such Building as aforesaid without the Consent of the Owner and Occupier thereof for the Time being.

Commissioners empowered to cause the Streets, &c. to be lighted, and to purchase Lamps, &c.

XXIII. And be it enacted, That the Commissioners shall and may, subject to the Provisions of this Act and the Acts incorporated herewith, cause to be lighted, paved, watched, cleansed, sewered, drained, watered, regulated, and improved all Streets, Courts, Passages, and other Places within the Limits aforesaid, and do all necessary Acts for promoting the Health and Convenience of the said Town and Neighbourhood of *Huddersfield* within the said Limits, and for that Purpose may exercise all the Powers and Authorities vested in them by this Act and the Acts incorporated herewith; and the Costs of paving all such Streets, Courts, Passages, and other Places, not being Highways, shall be recoverable from the Owners of Property situate in such Streets, Courts, Passages, and other Places.

Commissioners to pave, drain, and improve, &c.

XXIV. And be it enacted, That from Time to Time when and as often as any Landowner shall have set out any proposed new Street it shall be lawful, before or after any Building or Buildings is or are erected in the said Street, for the said Landowner to give to the Commissioners a Notice in Writing, stating that the said intended Street is so set out, and describing the Course and Direction of the said intended Street, and requesting the Commissioners to make and maintain such Sewers and Pavements as shall be necessary; and the said Notice shall be accompanied with a Plan or Tracing, on which shall be delineated the said intended Street, and the Position and Dimensions thereof respectively; and on Receipt of such Notice it shall be lawful for the Commissioners to sewer and pave such intended Streets, and to obtain the Repayment of the Costs and Expenses of such Sewers and Paving from such Landowners in the Manner provided by the Towns Improvement Clauses Act, 1847, in case of Rates directed to be made for Sewers, Drains, and private Improvements.

As to sewer-ing and paving of intended Streets.

XXV. And

Lord of the Manor to name new Streets.

XXV. And be it enacted, That it shall be lawful for the Lord of the Manor to determine the Name or Names by which any new Street or Streets to be hereafter formed upon the Property and Estates of the said Lord, or upon any Estates hereafter to be purchased and annexed thereto, shall be called and known.

Commissioners may order Owners of Land adjoining any Street, &c. to fence in the same.

XXVI. And be it enacted, That with respect to all such Land as shall not be built upon, and shall lie next adjoining to any Street, Lane, Road, or other public Passage within the Limits of this Act; it shall be lawful for the Commissioners, if they shall think it necessary, to give Notice in Writing, to be signed by the Clerk to the Commissioners, or by their Surveyor, to the Owner or Owners of such Land, or his or their Agent receiving the Rents thereof, to fence in the same by a good and sufficient Fence, of the Height of Four Feet above the Crown of such Street, Lane, Road, or public Passage; and if such Owner or Owners shall neglect or omit to make such Fence as aforesaid for the Space of Fourteen Days next after such Notice, then the Commissioners shall erect the said Fence, or cause the same to be erected, in such Manner as they shall think proper, not exceeding the Height before specified, and the Expenses thereof shall be recovered from such Owner or Owners by Distress.

Arches, Vaults, &c. to be substantially made.

XXVII. And be it enacted, That all Arches, Vaults, Cellars, and Areas, and Drains hereafter to be made under any Street, Lane, Road, Footpath, or other public Passage or Place within the Limits of this Act shall be substantially made by the Owners, to the Satisfaction of the Commissioners or of a Surveyor to be appointed by them, and so as not to interfere with any Drains or Sewers under the Control of the Commissioners without their Consent; and if any Arch, Vault, Cellar, Area, or Drain shall be made contrary to the Provisions of this Act, it shall be lawful for the Commissioners to fill up the same, and to recover the Expenses incurred thereby from the Person making such Arch, Vault, Cellar, Area, or Drain.

Arches, Vaults, &c. to be kept in repair.

XXVIII. And be it enacted, That any Arch, Vault, Cellar, or Area under any Street or Footpath within the Limits of this Act which shall be ruinous and dangerous shall be repaired by the Owner, to the Satisfaction of the Commissioners or of a Surveyor to be appointed by them; and in case any such Arch, Vault, Cellar, or Area shall at any Time be ruinous and dangerous as aforesaid, it shall be lawful for the Commissioners to give Notice in Writing to the Owner or Occupier thereof, requiring the same to be repaired.

Roadway or Footpath to be repaired to the Satisfaction of the Commissioners.

XXIX. And be it enacted, That in every Case where the Owner of any Premises claims or may hereafter claim to be interested in any Roadway or Footpath adjoining such Premises, or in any Arch, Vault, Cellar, or Area under such Roadway or Footpath, or in any other Instance where such Owner is or hereafter shall be liable, either *ratione tenuræ*, or under the Terms of any Lease or otherwise, to the Repair of any Roadway or Footpath, then and in every such Case all such Repairs shall be made and completed by such Persons respectively, to the Satisfaction of the Commissioners or a Surveyor to be appointed by them, and in default thereof, after reasonable
Notice

Notice in Writing from the Clerk to the Commissioners or their Surveyor, then the Commissioners may cause such Repairs to be done, and may recover the Expense incurred thereby from such Owner or Owners by Distress.

XXX. And be it enacted, That it shall be lawful for the Commissioners, for the Purpose of making Improvements or for securing proper Levels or Uniformity of any Pavement or Footway, to raise, lower, or alter such Pavement or Footway, and for that Purpose to raise, lower, or alter any Arch, Vault, Cellar, or Area under any such Footway or Pavement; and in case of any such Alteration, and of any such Arch, Vault, Cellar, or Area being prejudicially affected thereby, then and in every such Case the Commissioners shall make Compensation to the Owner of such Arch, Vault, Cellar, or Area; and in case they cannot agree with such Owner as to the Amount of such Compensation, the same shall be determined in the Manner provided by the said Lands Clauses Consolidation Act, 1845; for settling Compensation in the Case of Lands taken otherwise than with the Consent of the Owners and Occupiers thereof.

Compensation to be made to Owners of Areas, &c.

XXXI. And be it enacted, That every Person exposing for Sale or depositing in any Shambles or in any Street within the Limits of this Act any raw or undressed Hide of any Beast or Cattle shall be liable to the same Penalties or Punishments as are expressed in the "Town Police Clauses Act, 1847," with respect to Obstructions and Nuisances in the Streets.

Penalty on exposing Hides, &c. in Streets.

XXXII. And be it enacted, That the Business of a Blood-boiler, Bone-boiler, Fellmonger, Soap-boiler, Tallow-melter, Tripe-boiler, or other noxious or offensive Trade, Business, or Manufacture, shall not be newly established in any Building after the passing of this Act without the Consent of the Commissioners first had and obtained; and whosoever offends against this Enactment shall be liable for each Offence to a Penalty of Fifty Pounds, and a further Penalty of Forty Shillings for each Day during which the Offence is continued; and it shall be lawful for the Commissioners from Time to Time to make and prescribe such Rules and Regulations with respect to any such Businesses so newly established as they may think necessary and proper, in order to prevent or diminish the noxious or injurious Effects thereof; and whosoever wilfully offends against any such Rule or Regulation after Notice thereof shall be liable for each Offence to a Penalty not exceeding Five Pounds.

Offensive Trades newly established to be subject to Regulation.

XXXIII. And be it enacted, That where any House within the Limits of this Act (not being a licensed Victualling House) shall be used as a Lodging House for the harbouring or lodging of Persons for Hire, for a Week or for any longer Term than a Week at one Time, or any Part of which is let for a Week or for any longer Term than a Week, and if Information shall be laid before any of Her Majesty's Justices of the Peace that such Lodging House is not sufficiently ventilated, or that the same is overcrowded or not sufficiently

For the better Regulation of certain Lodging Houses.

ciently cleansed, and is thereby rendered dangerous to the Health of the Inmates thereof, or that the same is used for the Reception of Felons, Thieves, Prostitutes, or other disorderly Persons, it shall be lawful for such Justice to issue a Summons to the Keeper of such House, requiring him or her to appear before any One or more of Her Majesty's Justices of the Peace to answer such Complaint; and if it shall appear to such Justice or Justices that such Lodging House is so ill-ventilated, overcrowded, or not sufficiently cleansed, and that there is Danger arising therefrom to the Health of such Inmates, or that the same is so used for the Reception of such Felons, Thieves, Prostitutes, or other disorderly Persons, then and in every such Case it shall be lawful for such Justice or Justices to order that such House shall either no longer be used as a Lodging House, or that the same shall thereafter be licensed and registered, and subject to the same Laws, Bye Laws, Rules, Regulations, and Inspection as is required by the "Towns Improvement Clauses Act, 1847," in respect to Lodging Houses in which Persons are harboured or lodged for Hire for a single Night or for less than a Week at any One Time, or any Part of which is let for any Term less than a Week.

Certain Powers, &c. in 10 & 11 Vict. c. 34. with respect to the Drainage of Houses extended to Mills, &c.

XXXIV. And be it enacted, That all the Powers and Authorities contained in the "Towns Improvement Clauses Act, 1847," with respect to the Drainage of Houses, shall extend to and include any Mill, Factory, Dyehouse, or other Building within the Limits of this Act; and by way of addition to the said Powers and Authorities, it shall be lawful for the Commissioners to require separate Privies or Water-closets to be built and set apart for the separate Use of Males and Females respectively in any Mill or Factory; and for such Purpose it shall be lawful for the Commissioners to exercise all such Powers and Authorities to compel the Owner of any such Mill or Factory to erect such additional Privies or Water-closets for such separate Use as aforesaid, and the Number of Privies or Water-closets so to be erected, both for Males and Females respectively, shall be in the Discretion of the Commissioners.

Conveyances and Leases may be taken to Five Commissioners.

XXXV. And be it enacted, That the Commissioners may hold Lands by Lease for the Purposes of this Act, and for that Purpose may enter into all necessary Covenants, and all Conveyances and Leases of Lands to be purchased or hired by the Commissioners may be made to any Five of the Commissioners on behalf of all the Commissioners, and the Execution of the Duplicate or Counterpart of any Lease by such Five Commissioners shall be binding on all the Commissioners.

As to Service of Writs, &c.

XXXVI. And be it enacted, That nothing in this Act or any Act incorporated herewith shall make the Service of any Writ or Proceeding at Law or in Equity a good Service by the same being transmitted through the Post Office.

Power to borrow Money on Mortgage.

XXXVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to borrow at Interest, on the Credit of

of the general Rates or Assessments by this Act granted, and other Property vested in such Commissioners, any Sum of Money which the said Commissioners may deem necessary for carrying into effect the Purposes of this Act, not exceeding Fifty thousand Pounds, during such Time as the Limits of this Act shall remain as herein-before defined; and in the event of any Part of such Sum of Money being repaid to the Commissioners, to reborrow the same, and so *toties quoties*, but so nevertheless that there shall never be owing on the Security aforesaid any more than the Sum of Fifty thousand Pounds in the whole at any One Time, and after every Extension of such Limits, then not exceeding such further Sum as shall bear the same Proportion to the said Sum of Fifty thousand Pounds as the Quantity of Ground to be included within the extended Limits shall bear to the Quantity of the Ground comprised within the said Limits as herein-before defined; and for securing the Repayment of the Money so borrowed, with Interest, the Commissioners or any Five of them may assign over the said Rates, Assessments, and Property, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same: Provided always, that the Power to borrow herein-before granted to the Commissioners shall not in any way prejudice or affect any Power of borrowing which the Commissioners may have under any of the Acts incorporated herewith on the Security of any Rates thereby authorized to be levied.

XXXVIII. And be it enacted, That in order to discharge the Principal Money borrowed as last aforesaid on Security of any of the Rates the Commissioners shall every Year appropriate and set apart, out of such Rates respectively, a Sum equal to One Thirtieth Part of the Sums so borrowed respectively for the Purpose of paying off the respective Principal Monies so borrowed.

As to the Repayment of Money borrowed on Security of the general Rates.

XXXIX. And be it enacted, That, previous to borrowing any Sum or Sums of Money, an Order shall be made by the Commissioners, at a Meeting specially called for that Purpose, at which not less than Nine Commissioners shall be present.

Directions as to borrowing Money.

XL. And be it enacted, That it shall be lawful for the Mortgagees of the Commissioners to enforce the Payment of the Arrears of Interest or the Arrears of Principal and Interest due on any such Mortgage by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver in the event of the Principal Monies or Interest due on such Mortgage or Mortgages, Assignation or Assignations in Security, not being duly paid, the Amount owing to the Mortgagees, by whom the Application for a Receiver shall be made, shall not be less than One thousand Pounds in the whole.

Power for Mortgagees to enforce Payment of Arrears by the Appointment of a Receiver.

XLI. And be it enacted, That all the Money which shall be raised by the Rates hereby authorized to be levied, or on the Credit of

Application of Monies to be borrowed.

of the said Rates, shall be applied in the first place in paying the Expenses of obtaining and passing this Act or incident thereto, including therein, as incidental thereto, all the Costs and Expenses of the said Sir *John William Ramsden* Baronet, or his Trustees, in connexion with the framing and passing of this Act, and in the next place in carrying the several Purposes of this Act into execution.

Sewer Rates.

XLII. And be it enacted, That for the Purpose of purchasing, building, and repairing Sewers within each District into which the District comprised within the Limits of this Act may be divided for the Purposes of Sewers, and for securing and paying of any Monies which may be borrowed for such Purposes, and the Interest thereof, it shall be lawful for the Commissioners to make, assess, and levy for each such District such separate special Rate, to be called "The Sewer Rate," as may be necessary for the Purposes aforesaid.

Application of Sewer Rate.

XLIII. And be it enacted, That all Monies which shall come to the Hands of the Commissioners from the said Rate, or which shall be raised by any Mortgage or Security thereof granted by the Commissioners, shall be applied and disposed of as follows :

Firstly, in paying the Interest of all Monies borrowed, and which shall be from Time to Time due and owing on the Credit of the said Rate ;

Secondly, in purchasing, building, and constructing Sewers within the Limits of this Act ;

Thirdly, in setting apart and appropriating the Sum directed to be set apart and appropriated in Payment off of the Principal Monies which shall have been borrowed or secured on the said Sewer Rate ;

And lastly, in paying off the Principal of all Monies due on the Credit of the said Rate.

General Improvement Rate.

XLIV. And be it enacted, That for the Purposes of defraying the Costs and Expenses of carrying this Act and the Powers and Provisions thereof into execution, except the Purposes to which any Rates to be made for Sewers, Drains, and private Improvements are hereby or by any Act incorporated herewith directed to be applied, and including the Costs and Expenses of making and maintaining such new Streets, Buildings, Gasworks, and Waterworks, it shall be lawful for the Commissioners from Time to Time to make, assess, and levy such general Rate, to be called "The Improvement Rate," as may be necessary for the Purposes aforesaid.

Application of Improvement Rate.

XLV. And be it enacted, That all Monies which shall come to the Hands of the Commissioners from the said Rate called "The Improvement Rate," or which shall be raised by any Mortgage or Security thereof granted by the Commissioners, shall be applied and disposed of as follows :

Firstly, in defraying the Charges and Expenses which shall have been incurred or incident to the obtaining and passing this Act ;

Secondly,

Secondly, in paying the Interest of all Monies borrowed, or which shall have been incurred or shall be incident to the obtaining and passing this Act;

Thirdly, in carrying all the Purposes of this Act into execution, except the purchasing, building, and constructing of Sewers;

Fourthly, in setting apart and appropriating the Sum herein-before directed to be set apart and appropriated in Payment off of the Principal Monies which shall have been borrowed or secured on the said Improvement Rate;

And lastly, in paying off the Principal of all Monies due on the Credit of the said Improvement Rate.

XLVI. And be it enacted, That upon every Extension of the Limits of this Act in manner herein-before provided it shall be lawful for the Commissioners, instead of levying an Improvement Rate upon or within the District so to be added to such Limits, to make, assess, levy, and collect One or more equal and separate general Rate or Rates upon the Occupiers of all Lands within such District, for the Purpose of defraying the Costs of maintaining and repairing the several Highways situate within such District, and the Costs and Expenses of and incident to the making and collecting of such special Rates, Salaries to Officers, printing, advertising, and Stationery, and other Expenses connected with the Maintenance and Repair of such Highways; and also to make, assess, levy, and collect One or more special Rate or Rates for the Purpose of defraying all the Costs, Charges, and Expenses of and incident to the lighting, watching, widening, enlarging, cleansing, watering, regulating, and improving the Streets situate within such District so to be added to the Limits of this Act as aforesaid; and the Costs and Expenses of and incident to the making and collecting of such last-mentioned special Rate, and a proportionate Part of all Salaries to Officers, Printing, and Stationery, Buildings for the Purposes of this Act, and other the Charges and Expenses of and incident to the obtaining and passing of this Act, and the general Execution thereof, such Proportion to be estimated according to the Ratio which the net annual Value of the Lands within such District bears to the net annual Value of the Lands within the Limits of this Act as herein-before defined: Provided always, that every Person occupying Lands used as Arable, Meadow, or Pasture Ground only, or as Woodlands or Market Gardens or Nursery Grounds, shall be rated in respect of the said last-mentioned special Rate or Rates in the Proportion of One Third Part only of the net annual Value thereof.

Rates to be levied over Districts which may be added to the Limits by Order in Council.

XLVII. And be it enacted, That no Person shall be rated to any Rate whatever made in pursuance of this Act or of any Act incorporated herewith in respect of the present Slaughter-houses, the Prisons, or upon any Land or Building used for the Purposes of public Charity or of the Education of the Poor, and gratuitously or chiefly supported by voluntary Contribution or by Government, or upon any Land or Building occupied by the Commissioners for the Purposes of this Act.

Slaughter-houses, Prisons, &c. to be exempt from Rates.

[*Local.*]

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XLVIII. And

Costs of Proceedings for Recovery of Rates to be included in the Warrant of Distress.

XLVIII. And be it enacted, That it shall be lawful for any Justice who shall issue any Warrant of Distress for the Recovery of any Rate payable under this Act to order that the Costs of the Proceedings for the Recovery of such Rate shall be paid by the Person failing to pay the same; and such Costs shall be ascertained by such Justice, and levied by Distress; and the Justice shall include in his Warrant of Distress for the Recovery of the said Rate the Amount of such Costs, and shall issue his Warrant accordingly.

Liabilities to Rates not to disqualify Justices or Witnesses.

XLIX. And be it enacted, That no Person, though liable under the Provisions of this Act to the Payment of Money towards the Rates authorized to be raised hereby, shall be an incompetent Witness in any Proceeding under this Act, or be disabled to act as a Justice in the Execution of the same.

Mutual Exemptions from Highway Rates.

L. And be it enacted, That no Person shall, in respect of any Property without the Limits of this Act, be subject or liable to repair or contribute to the Repair of any Street, Road, or Highway within the Limits of this Act.

Power to Trustees of Wakefield and Austerlands Turnpike Road to collect Toll at Longroyd Bridge Bar.

LI. And be it enacted, That for the Purpose of enabling the Trustees acting under and by virtue of an Act of Parliament passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for maintaining the Road from Wakefield to Austerlands in the West Riding of the County of York*, to discharge the Debt due upon the said Trust, it shall be lawful for the said Trustees, notwithstanding anything to the contrary contained in this Act, or in any Act incorporated herewith, to collect Toll at the *Longroyd Bridge Bar*, within the said Hamlet of *Marsh-with-Paddock*, in the Manner in which they are now authorized by Law so to do, but no Money which shall be collected at the said Bar shall be applied for any Purpose except for paying off the Principal of the Debt now due and owing in respect of the said Turnpike Road; and that a separate Account of the Tolls collected thereat shall be kept by the Trustees of such Road, and made up to the Thirty-first Day of *December* in each Year, and transmitted annually to the Clerk of the Peace for the West Riding of the County of *York*, in the Manner prescribed by the General Turnpike Acts now in force; and when and as soon as the Debt due and owing in respect of the said Roads shall be paid off no more Tolls shall be collected by the said Trustees within the Limits of this Act.

Application of Tolls.

LII. And be it enacted, That during the Continuance of the said Tollbar within the Limits of this Act the Trustees of the said Turnpike Road shall (subject to the existing Rights of the Mortgagees of the said Road) apply all Monies arising from Tolls to be taken at each and every Toll Gate or Bar erected or placed or to be erected and placed upon, across, or at the Side of the said Turnpike Road (except the said *Longroyd Bridge Bar*), firstly, in Payment of the Interest upon the Mortgage Debt for the Time being due in respect of the said Turnpike Road; secondly, in defraying the Cost of the ordinary

ordinary Repairs and Maintenance of the said Road, and the Expenses of Management of the said Trust, and other Expenses incidental thereto; and lastly, in or towards the Discharge of the Principal of the said Mortgage Debt for the Time being due in respect of the said Turnpike Road.

LIII. And be it enacted, That in this Act and the several Acts incorporated with this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) Interpretation of Act.

The Words "Town and Neighbourhood of *Huddersfield*" shall mean the Limits of this Act as the same are herein defined, or as the same may be hereafter extended by any Order as above mentioned:

The Words "Limits of this Act" shall mean and include the Boundary for the Operation of this Act as herein-before defined, until such Boundary shall be extended by an Order in Council, and duly advertised as herein-before directed; and from and after such Extension or Extensions thereof the same shall mean and include as well the said Boundary herein-before defined, as also the District or Districts from Time to Time to be added thereto by any such Order in Council:

The Expression "Lord of the Manor" shall extend to and be held to include the Lord of the Manor of *Huddersfield* for the Time being, or the Guardians, Trustees, or Committee of such Lord in case of his being in Minority, or under legal Incapacity or Disability.

LIV. And be it enacted, That nothing in this Act or any Act incorporated herewith shall extend to or be deemed, construed, or taken as in anywise extending to extinguish, prejudice, diminish, or affect in any Manner any Right, Privilege, Franchise, or incorporeal Hereditament now belonging to the Lord of the Manor, or belonging to the Person for the Time being in receipt of the Rents and Profits of the Estates late of Sir *John Ramsden* Baronet, deceased, but all such Rights, Privileges, Franchises, and incorporeal Hereditaments respectively shall remain, continue, and be used, exercised, and enjoyed, in the same Manner in all respects as if this Act had not been made. Saving of the Rights of the Lord of the Manor of Huddersfield.

LV. And be it enacted, That nothing in this Act or in any Act incorporated herewith contained shall extend to or be deemed, construed, or taken as or in anywise extending to extinguish, supersede, prejudice, diminish, alter, or affect in any Manner the Authorities and Powers by an Act of Parliament passed in the Seventh and Eighth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for enlarging the Powers contained in the Will of Sir John Ramsden Baronet, deceased, to grant Leases of the Hereditaments in the Townships of Huddersfield, Honley, Dalton, and Almondbury, devised by such Will, and for other Purposes*, conferred upon Reserving Powers of Persons acting in execution of the Ramsden Estate Act. 7 & 8 Vict. c. 21.

1856

11° & 12° VICTORIÆ, *Cap. cxi.*

upon the Person or Persons for the Time being acting under the Provisions of the said last-named Act; and that all such Powers and Authorities shall remain, continue, and be exercised by the same Person or Persons respectively in the same Manner in all respects as if this Act had not been made.

Public Act.

LVI. And be it enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such.

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