

[42 & 43 VICT.] *Nelson Local Board Act, 1879.* [Ch. lxxxix.]



CHAPTER lxxxix.

An Act to enable the Local Board for the district of Nelson in the county of Lancaster to extend their Waterworks, and to confer upon them further powers with respect to the Improvement and Government of their district and the raising of Money ; and for other purposes. A.D. 1879.

[3d July 1879.]

WHEREAS by the Nelson Water and Gas Act, 1866 (in this Act called "the Act of 1866"), the Local Board for the district of Nelson in the county of Lancaster (in this Act called "the Local Board") were authorised to make and maintain waterworks and to supply water, and also to purchase gasworks and supply gas, within the respective limits defined by the said Act : 29 & 30 Vict.
c. lxxvi.

And whereas by a Provisional Order dated the 23rd day of May 1871, and confirmed by the Local Government Supplemental Act, 1871 (No. 4), the limits of the Act of 1866 for the supply of water were extended, and such limits now include the district of the Local Board, the hamlet or place called Little Marsden, which is in and part of the township of Great and Little Marsden in the parish of Whalley, and the township of Barrowford Booth in the same parish, and the said limits are in this Act called "the water limits" : 34 & 35 Vict.
c. clxxxvii.

And whereas in consequence of the increasing demands for water within the water limits the present waterworks of the Local Board have become inadequate to meet such demands, and it is therefore expedient that the Local Board should be empowered to construct the new waterworks herein-after described :

And whereas plans and sections describing the situation and the lines and levels of the works by this Act authorised, and also a book of reference to the said plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required for the purposes of this Act, were duly deposited with the clerk of the peace for the county of Lancaster, and are herein-

A.D. 1879. after respectively referred to as the deposited plans, sections, and book of reference :

And whereas it is expedient that powers should be given to the Local Board with reference to the protection and improvement of the stream known as the Walverden Water, and that they should be empowered to hold certain lands acquired by them for the erection of offices and of a public hall, and for market purposes, and to provide and erect on such lands respectively offices and a public hall and buildings connected therewith, and a market with all necessary conveniences connected therewith, and to levy rates and make charges in respect of the user of the same respectively as in this Act provided :

And whereas it is expedient that the provisions of the Act of 1866 with reference to the rents to be taken by the Local Board for the supply of water for domestic purposes should be amended, and that the powers of the Local Board for the levying of rates and the borrowing of money and for the improvement and good government of their district should be extended :

And whereas estimates have been prepared by the Local Board for the purchase of lands for and for the execution of the purposes of this Act, and such estimates are as follows :

For waterworks 15,000*l.* ;

For the improvement of the Walverden Water 3,000*l.* ;

For market purposes 8,000*l.* ;

For the public hall 8,000*l.* :

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

And whereas an absolute majority of the whole number of the members of the Local Board, at a meeting held on the sixth day of November 1878, after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the "Colne and Nelson Times," a local newspaper published or circulating in the district of the Local Board, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate :

And whereas such resolution was published twice in the said "Colne and Nelson Times" newspaper, and in respect of matters under the jurisdiction of the Local Government Board has received the approval of that Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the members of the Local Board at a further special meeting held

in pursuance of a similar notice on the fifteenth day of January 1879, being not less than fourteen days after the deposit of the Bill in Parliament: A.D. 1879.

And whereas the owners and ratepayers of the said district, by resolution in the manner provided by Schedule III. annexed to the Public Health Act, 1875, with respect to resolutions of owners and ratepayers under that Act, consented to the promotion of the Bill for this Act:

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

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

I.—PRELIMINARY.

1. This Act may be cited as the Nelson Local Board Act, 1879. Short title.
2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, and the Waterworks Clauses Acts, 1847 and 1863, except the provisions of the Waterworks Clauses Act, 1847, with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit, and the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, are (except where expressly varied by this Act) incorporated with and form part of this Act. Incorporation of general Acts.
8 & 9 Vict. c.18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
10 & 11 Vict. c. 17.
26 & 27 Vict. c. 93.
8 & 9 Vict. c.20.
3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction, or unless it be otherwise provided by this Act; the expression "the undertakers" or "the promoters of the undertaking," or "the company," shall mean the Local Board; the expression "the district" shall, as regards the supply of water, mean the water limits, and shall for all other purposes mean the district of the Local Board; the term "owner" shall mean the person for the time being receiving the rackrent of the lands or premises in connexion with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent; the expression the "Public Health Acts" shall mean the Public Health Act, 1875, and all Acts for the time being in force amending or extending the Interpre-
tation of
terms.

A.D. 1879. — same; and for the purposes of this Act the expression “superior courts” or “court of competent jurisdiction,” or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand in respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Act to be
executed by
Local Board.

4. This Act shall be executed by the Local Board with the powers and indemnities and according to the provisions of the Public Health Acts, and the Act of 1866 and those Acts shall in relation to the Local Board and the several objects and purposes of this Act be read and construed as if the purposes and provisions of this Act were purposes and provisions of those Acts, so far as the same shall be applicable thereto, and except so far as any of the provisions of those Acts are expressly varied or otherwise provided for by this Act.

II.—WATER.

Power to
make and
maintain
works.

5. Subject to the provisions of this Act, the Local Board may make and maintain, in and according to the lines and levels shown on the deposited plans and sections, the reservoir, conduit, lines of pipes, road, diversion, and other works shown on the deposited plans, which comprise the following works, all which will be situate in the parish of Whalley in the county of Lancaster; (that is to say,)

A reservoir (in this Act called “the Coldwell Reservoir”) upon the Catlow Brook, and upon the Swain’s Clough and the Swain’s Plat Clough, to be formed by an embankment across the said Catlow Brook, and to extend from such embankment in an eastwardly direction up the said Catlow Brook and Swain’s Clough, and in a southwardly direction up the said Catlow Brook and Swain’s Plat Clough:

A conduit or line of pipes (No. 1), to commence in the said Catlow Brook on the inner side of the said embankment, and to terminate by a junction with the existing line of pipes belonging to the Local Board:

A line of pipes (No. 2), to commence at or near the termination of the conduit or line of pipes (No. 1), and to terminate at and in the valve house adjoining to the present service reservoir of the Local Board:

A diversion of the existing public road which crosses the site of the said reservoir, such diversion to commence at or near the Cold Well public-house on the said road, and to terminate at or near the southern termination of the said reservoir:

Together with such embankments, sluices, dams, collecting and other weirs, gauges, tunnels, catchwater drains, conduits, pipes, bye-washes, filters, roads, approaches, and other works, apparatus,

and conveniences connected therewith respectively as may be necessary for the purposes of this Act. A.D. 1879.

6. The waterworks so to be constructed under the authority of this Act shall for all purposes whatsoever be deemed part of the waterworks undertaking of the Local Board, as if they had been authorised by the Act of 1866: Provided always, that from and after the completion and filling of the Coldwell Reservoir the aggregate width of the apertures referred to in section 25 of the Act of 1866 shall be reduced to nine inches. New water-works to form part of waterworks undertaking of the Local Board.

7. The Local Board may divert, impound, and take by compulsion or otherwise, by means of the works by this Act authorised, and may appropriate to and use for the purposes of their waterworks undertaking, the waters of the said brook or stream called the Catlow Brook, and of the brooks or streams which flow through the said Swain's Clough and Swain's Plat Clough respectively, and which at and below their point of confluence form the said Catlow Brook, and of the several tributaries of the said brooks or streams, and all other brooks, streams, waters, and springs which now directly or derivatively flow or proceed into or supply the said brooks or streams, or any of them, which will or may be intercepted or abstracted by means of the said works, and the Local Board may convey the waters so to be taken or impounded into their district by means as well of those works as of the works constructed by them under the Act of 1866: Provided always, that nothing in this Act contained shall authorise the Local Board to take or use any of the waters flowing along the several streams crossed or intersected by or arising in the lines of pipes to be laid under the authority of this Act from the Coldwell Reservoir to the said service reservoir. Power to take water of certain streams.

8. Before using any water from the Coldwell Reservoir the Local Board shall cause to be discharged into the said Catlow Brook, otherwise Walverden Water, at a point distant not more than fifty yards from the foot of the embankment of the said reservoir, a constant and uniform quantity of water, not being less than one hundred thousand gallons in every twenty-four hours. As to compensation water in respect of new reservoir.

The Local Board shall erect and construct, and for ever after maintain, at the above-mentioned point a suitable measuring gauge or meter, over or through which the said quantity of water lastly herein-before mentioned shall flow or be discharged into the said Catlow Brook, otherwise Walverden Water, and the Local Board shall also make and construct, and for ever after maintain, another measuring gauge at or near the existing gauge on the Catlow Brook, which last-mentioned gauge so to be made and constructed shall

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prevent any water which shall be flowing down the said Catlow Brook, otherwise Walverden Water, at that point from being taken and diverted into the said present service reservoir, unless a quantity of water equal in amount to that discharged through or over the gauge firstly herein-before provided for shall be allowed in every twenty-four hours constantly and uniformly to pass through or over the gauge secondly herein-before provided for into the said Catlow Brook, otherwise Walverden Water, and both the said gauges shall at all times be open to inspection and examination by the owners and occupiers of the several properties interested in the water so to flow or be discharged through or over the same respectively.

If and so long as the Local Board shall continue to discharge into the said Catlow Brook, otherwise Walverden Water, the due quantity of water at the point and as herein-before mentioned, and shall erect, construct, and maintain the gauges herein-before mentioned in good order and condition, the same shall, subject to the provisions herein-after contained for the protection of the Bradley Corn Mill, be accepted and taken by all persons interested as full compensation in respect of all springs, streams, and waters which the Local Board under the powers and provisions of this Act can or shall impound, take, divert, or interfere with.

In case of any wilful or negligent act or omission of the Local Board, or of their officers or servants, by or in consequence of which the said quantity of one hundred thousand gallons per day is not discharged or allowed to flow down the Catlow Brook, otherwise Walverden Water, the Local Board shall for every day on which such neglect or default shall occur make compensation to the owners, lessees, and occupiers of lands and property abutting upon the Catlow Brook, otherwise Walverden Water, who may be injuriously affected by any such act or omission, for any loss, damage, or injury which they or any of them may sustain, and such compensation may be recovered in any court competent to try causes of a like pecuniary amount: Provided that the Local Board shall not be required to discharge the said compensation water through the said gauges at or for any time during which they shall be unable so to do, either by reason of any damage having happened to the Coldwell Reservoir, or the works connected therewith, or by reason of the same being emptied for cleansing or repairs, the whole of the water which would otherwise have been impounded in the said reservoir during any such period being allowed to run down the Catlow Brook, otherwise Walverden Water.

9. If at any time within ten years after the passing of this Act it shall be found that the water for the time being discharged

For the
protection
of the

down the said Catlow Brook and Walverden Water does not fully compensate the owner and lessees, or either of them, of the Bradley Corn Mill for the water taken or diverted by the Local Board under the powers of this Act, the said owner and lessees, or either of them, shall be respectively entitled to be paid by the Local Board such compensation by way of damages sustained by the loss of such water as shall be agreed on, or as in case of difference shall be ascertained in the manner provided by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869.

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Bradley
Corn Mill.

10. When and so soon as the Local Board have completed and opened to the public the diversion of road by this Act authorised, all rights of way over so much of the existing road as is situate between the commencement and termination of the said diversion shall be and the same are hereby extinguished.

Extinguish-
ing rights of
way over
diverted
road.

11. The portion of road by this Act authorised to be diverted shall, when diverted, be maintained and repaired, as regards so much thereof as will be situate in the hamlet of Great Marsden in the township of Great and Little Marsden, by and at the expense of the parties who would, but for the passing of this Act, have been liable to maintain and repair the portion within the said hamlet of Great Marsden of the existing road so to be diverted, and as regards so much thereof as will be situate in the hamlet of Briercliffe in the township of Briercliffe-with-Extwistle by and at the expense of the parties who, but for the passing of this Act, would have been liable to maintain and repair the portion within the said hamlet of Briercliffe of the existing road so to be diverted: Provided always, that if any question shall arise between the Local Board and such parties respectively as to the due completion of the said diversion, such questions shall from time to time be determined by two justices on the application of either of the parties in difference, and after not less than seven days notice to both parties of the sitting of such justices for the purpose, and the certificate of such justices of the due completion of the diversion shall be conclusive evidence of the fact so certified.

As to repair
of diverted
road.

12. In making any of the works shown on the deposited plans, the Local Board may, subject to the provisions of this Act, deviate from the lines thereof within the limits of deviation shown on the deposited plans, and may deviate from the levels shown on the deposited sections in the case of the reservoir to any extent not exceeding five feet, and in the case of other works to any extent not exceeding ten feet, but they shall not construct the embankment of the reservoir of a greater height above the general surface of the ground than that shown on the deposited sections and five feet in addition.

Lateral and
vertical
deviations.

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Temporary
occupation
of lands.

13. The provisions with respect to the temporary occupation of lands incorporated with this Act shall apply only to the Coldwell Reservoir and the works immediately connected therewith, and for the purposes of this Act those provisions shall be read as if the said reservoir and works were therein mentioned instead of the railway, and the boundaries of the reservoir and works instead of the centre of railway.

Period for
completion
of water-
works.

14. If the Coldwell Reservoir, the conduit or line of pipes No. 1, and the diversion of road by this Act authorised are not completed within five years from the passing of this Act, and if the conduit or line of pipes No. 2 is not completed within fifteen years from the passing of this Act, then on the expiration of those periods respectively the powers of the Local Board under this Act for making the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof respectively as shall then be completed: Provided always, that, subject to the provisions of this Act, the Local Board from time to time may alter, enlarge, and extend their tanks, gauges, gauge-basins, engines, machinery, wells, mains, pipes, and other works in such way and manner as shall be necessary for supplying water for the purposes of this Act.

Power to
take lands.

15. Subject and according to the provisions and for the purposes of this Act, the Local Board may from time to time enter upon, take, and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Period for
compulsory
purchase of
lands.

16. The powers of the Local Board for compulsory purchase of lands under this Act shall not be exercised as regards lands required for the purposes of the line of pipes (No. 2) by this Act authorised after the expiration of five years, and as regards lands required for the other purposes of this Act after the expiration of three years from the passing of this Act respectively.

Power
to take
additional
lands by
agreement.

17. The Local Board may from time to time under the authority of this Act, for the purposes of their waterworks, purchase by agreement any lands in addition to lands which they are authorised to take by compulsion, and the Local Board may hold the same, not exceeding in the whole at one time five acres, but they shall not on any such lands erect or authorise or permit the erection of any buildings other than buildings connected with or necessary for their waterworks.

Power to
agree for
easements.

18. Persons empowered by the Lands Clauses Consolidation Act, 1845, or otherwise, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Local Board, and the Local Board may take and hold,

any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

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19. If at any time after the passing of this Act any sanitary authority within the water limits of the Local Board shall give not less than six months notice in writing to the Local Board of their desire to purchase that portion of the waterworks undertaking of the Local Board which is contained within or exclusively serving the district of such sanitary authority, and shall obtain the consent of the Local Government Board to such purchase, and shall apply to Parliament or the Local Government Board for power to purchase such portion of the said undertaking of the Local Board (except the reservoirs and the mains, pipes, and engines or other apparatus which shall be necessary for supplying with water any other part of the Local Board's water limits), and to supply water within the district of such sanitary authority, then it shall not be lawful for the Local Board to oppose such application (except as to the details thereof), and if such powers be granted the Local Board shall sell, and such sanitary authority shall purchase, such portion as aforesaid of the waterworks undertaking of the Local Board (except as aforesaid), at such price as shall be fixed, in default of agreement, by arbitration under the provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, and the Local Board shall apply the proceeds of any sale under this section in the same manner as they are required to apply moneys borrowed under the powers of this Act for waterworks purposes: Provided always, that no such authority shall be authorised until after the completion of such purchase to supply water to any part of such district, and that after the completion of such purchase all obligations on the part of the Local Board to supply water within such district shall cease and determine.

Sale of portions of waterworks undertaking to sanitary authorities.

III.—IMPROVEMENT OF WALVERDEN WATER.

20. In this part of this Act the expression "the stream" shall mean so much and such parts of the Walverden Water as lie between the eastern boundary of the district and the point in the district where the said stream is crossed by the Leeds and Liverpool Canal.

Definition of stream in Part III. of this Act.

21. The Local Board may from time to time cleanse and scour the stream, and may dredge and deepen the course and channel thereof, and may remove banks, shoals, or other impediments or

Improvement of Walverden Water.

A.D. 1879. — obstructions to the free flow of the waters therein, whether produced by ordinary or extraordinary and whether by natural or artificial causes, and all dams and weirs placed on the bed of, and all encroachments on, or other injuries or nuisances to the banks or bed of the stream, and they may pave the bottom or bed of the stream with such materials and in such manner as they may think fit: Provided always, that if the Local Board shall by virtue of this enactment remove any dam, weir, or work placed and being before the passing of this Act on the bed of the stream, or interfere, excepting so far as is necessary, in the carrying out of the powers and provisions of this Act, with the right of any person or persons to use the waters of the stream in as full, ample, and beneficial a manner as he or they heretofore have done, or might have done if this Act had not been passed, the Local Board shall make compensation to the owner of such dam, weir, or work, or to such person or persons in respect of such removal or interference, the amount of such compensation in case of dispute to be settled according to the provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869.

Power to
require
riparian
owners to
build re-
taining
walls to
Walverden
Water.

22. The Local Board may, if they think fit, by notice in writing to be served upon the owners of lands, buildings, and hereditaments adjoining or abutting upon the sides of the stream, require such owners within a reasonable time to be named in such notice, and in manner therein prescribed, to build or rebuild retaining walls on or adjoining the sides of the stream, or to restore the sides and walls thereof to such a state as will prevent the flooding of the adjoining lands and buildings, and the falling of soil, refuse, and other matters into the stream, and to maintain and keep the said sides and walls in good order and repair for such purposes, and in case of the default of such owners to comply with the terms of such notice the Local Board may execute such works, and may in a summary manner recover all costs, charges, and expenses which may be incurred by them in the execution of such works from such owners respectively, with interest thereon, in proportion to the extent of the frontage to the stream of the lands and buildings of such owners respectively: Provided that as regards the estate known as the Bradley Estate, now belonging or reputed to belong to Smith Smith, the Local Board shall not give any such notice, nor shall the said Smith Smith, or other the owner for the time being of the said estate, be liable to build any such retaining wall except in respect of such portions of the said estate as shall from time to time be built upon, and the building or buildings erected upon which shall be situate within fifty yards from the stream, and in no case shall the said Smith Smith, or such other owner, be required to build a

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wall of any greater height than four feet from the bed of the stream; but the Local Board may at any time, if they think fit, execute such works as last aforesaid at their own cost upon any part or parts of the said estate adjoining or abutting upon the stream on giving three months previous notice in writing of their intention so to do, and shall in that event from time to time, when requested by the said Smith Smith, or other the owner for the time being of the said estate, or any part thereof, provide, and for ever after maintain, such means of access to and communication with the stream by such openings or apertures and pipes or other appliances in the said retaining or other walls, at such points, and of such dimensions or capacities as the said Smith Smith, or other the owner for the time being of the said estate, or any part thereof, may require, with such provisions and arrangements in the bed of the stream as shall cause the water to flow therefrom through such openings or apertures and pipes or other appliances for the purpose of the water being taken and used by the said Smith Smith, or other the owner for the time being of the said estate, or any part thereof, or his or their tenants, and of the unused portion of such water being returned to the stream; and in case of the execution of such works by the said Local Board, and so often as the same shall happen, the said Local Board shall make compensation to the said Smith Smith, or other the owner for the time being of the said estate, or any part thereof, and to his and their tenants, in respect of any damage or injury sustained by him or them through or by reason of the execution of all such works, or any of them, the amount of such compensation in case of dispute to be settled according to the provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869: Provided that if the Local Board refuse or neglect for one month after any request in writing of the said Smith Smith, or other the owner for the time being of the said estate, or any part thereof, to provide and make such means of access to and communication with the stream, and to make such provisions and arrangements, or any of them, as aforesaid, the said Smith Smith, or other the owner for the time being of the said estate, or any part thereof, shall have full right, power, and authority to provide and make them, or any of them, at the cost of the Local Board, who shall on demand pay the amount of such cost to the said Smith Smith, or such other owner as aforesaid: Provided further, that as regards the estate known as the Lower Bradley Estate, now belonging or reputed to belong to Howarth Sagar, the said Howarth Sagar, or other the owner for the time being thereof, shall not be required to build a wall of any greater height than four feet from the bed of the stream.

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Power to
alter course
of Walver-
den Water
with consent.

As to arch-
ing over
Walverden
Water.

23. The Local Board may, with the consent of any owner or owners of lands abutting on the stream, and either with or without making compensation to such owner or owners, make such diversions or alterations in the course or width of the stream within the lands of such owner or owners as the Local Board may think fit.

24. After the passing of this Act it shall be in the discretion of the Local Board to allow or disallow riparian owners on the stream to arch or cover over the same, or any part thereof; provided that if the Local Board in the exercise of their discretion should allow the stream, or any part thereof, to be arched or covered over, they may do so subject to conditions as to the dimensions, materials, thickness, solidity, and quality generally of the arch or cover to be thrown, placed, or constructed over or across the same, or any part thereof, and may also stipulate that the crown of such arch or cover shall be of a certain height at least above the bottom or bed of the stream or such part thereof as it is intended to arch or cover over, but if the Local Board in the exercise of such discretion should refuse to accede to the application of any riparian owner to arch or cover over the stream, or any part thereof, who would, but for the passing of this Act, have had the right so to arch or cover over the same respectively, the Local Board shall make compensation to such riparian owner in respect of any damage or injury sustained by him through or by reason of such their refusal, the amount of such compensation in case of dispute to be settled according to the provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, and nothing in this section shall empower the Local Board to interfere with any existing arch or cover.

Local Board
to be liable
for negli-
gence.

25. Except as herein-before provided, the Local Board shall not be liable to make any compensation to the riparian owners or occupiers of lands, buildings, or hereditaments abutting upon the stream, or to any other person whatsoever, by reason or in respect of the exercise and carrying out by the Local Board of the powers hereby conferred, unless such owners or occupiers or other person shall have sustained damage by reason of the negligence of the Local Board or any of their servants in the exercise and carrying out of such powers.

Prohibiting
banks or
weirs in
Walverden
Water.

26. If any person at any time makes or causes to be made any bank, weir, or shoal in or across, or throws or places or causes to be thrown or placed any impediment or obstruction to the free flow of the waters in or any encroachment on or injury or nuisance to the banks, bed, or waters of the stream, he shall for every such offence be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for each day during

which such offence is continued after notice thereof given by the Local Board. A.D. 1879.

IV.—PROVISIONS AS TO CESSPOOLS, &c.

27. If it shall appear to the Local Board by the report of their surveyor or inspector of nuisances that any cesspool used at the passing of this Act as a receptacle for excreta or fæces, or for the whole or any part of the drainage of any house or part of a house within the district, or any ashpit 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 Local Board may, if they think fit, by written notice require the owner or occupier of such house or part of a house, within a reasonable time to be specified in such notice, to cause such cesspool or ashpit to be filled up or removed, and any drain communicating with such cesspool to be effectually disconnected, destroyed, and taken away.

Provisions
as to filling
up cesspools,
&c.

28. If by reason of the filling up or removal of any cesspool or the removal of any ashpit under the foregoing enactment, any house or part of a house within the district of the Local Board would cease to be provided with sufficient watercloset or privy accommodation, or with a proper ashpit or ashplace, the Local Board may by the same or another similar notice require the owner or occupier of such house or part of a house within a reasonable time, and in the manner therein specified, to provide sufficient water-closet or privy accommodation, and a proper ashpit or ashplace, or either of them, as the case may require. If any such notice as is mentioned in this and the preceding section is not complied with, or is not fully complied with, the Local Board may at the expiration of the time specified in the notice do any work thereby required to be done which has not been done by the owner or occupier, and may recover in a summary manner from the owner, or, if there be more than one owner, from the owners, in such shares and proportions as shall be apportioned and determined by the surveyor to the Local Board, the expenses incurred by them in so doing, or may by order declare the same to be private improvement expenses, when the same shall be a charge upon the premises in respect of which the work has been done, and may be recovered from the owner or owners for the time being of the said premises as and when any instalment of such expenses shall become due and payable under such order, together with interest on the amount for the time being remaining due and owing, not exceeding five pounds per centum per annum.

Other cess-
pool, &c.
accommo-
dation to be
provided.

A.D. 1879.

Penalty on occupier refusing execution of Act.

29. In case the occupier of any house or part of a house prevents the owner thereof from carrying into effect in respect thereof the notice given by the Local Board under the last two preceding sections of this Act, then, after notice of this provision given by the owner to the occupier, any justice upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by such notice to be done, and if after the expiration of seven days from the service of such order the occupier continues to refuse to permit the owner to execute the said works he shall for every day during which he so continues to refuse to permit the owner to execute such work 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.

Occupier may execute works in default of owner at owner's cost.

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

Rooms over privy, &c.

31. No room built before or after the passing of this Act, any portion of which extends immediately over any privy (not being a watercloset), cesspool, midden, or ashpit, shall be occupied as a dwelling or sleeping room during any portion of the day or night, or used either wholly or partly as a place of habitual employment for any person in any manufacture, trade, or business; and if any person shall, after the expiration of one month after the passing of this Act, let or suffer to be occupied as a dwelling or sleeping room any such room, every person so offending shall for every such offence be liable to a penalty not exceeding twenty shillings for every day during which such room continues to be so let or occupied after notice in writing from the Local Board to discontinue such letting or occupation.

V.—APPEAL TO QUARTER SESSIONS.

Persons aggrieved may appeal.

32. Where any person deems himself aggrieved by any notice given by the Local Board under the foregoing provisions of this Act as to the improvement of Walverden Water, or as to cesspools, &c., such person may appeal therefrom in the manner and subject to the conditions and regulations prescribed in section 269 of the Public Health Act, 1875.

VI.—MARKET AND PUBLIC HALL.

A.D. 1879.

33. The Local Board may, on the land described in the first part of the First Schedule to this Act, which has been acquired by them for that purpose, erect, and from time to time maintain, alter, enlarge, and improve, a public market and market-place, with conveniences, fittings, and things connected therewith, and the provisions with respect to markets of the Markets and Fairs Clauses Act, 1847, and of the Public Health Acts, shall apply to any market provided by the Local Board under this Act as if the same had been provided according to the provisions of the said Acts; and the Local Board may, from and after the opening for public use of the said market, demand and take therein tolls, rents, and charges not exceeding those specified in the Second Schedule to this Act.

Power to provide market.

10 & 11 Vict. c. 14.

34. All receipts of the Local Board from tolls and charges in respect of the market shall be carried to and shall form part of the district fund.

Application of tolls from market.

35. The Local Board may, on the land described in the second part of the First Schedule to this Act, which has been acquired by them for that purpose, erect, provide, fit up, and furnish a public hall and such other public buildings and offices for the use of the Local Board as they think fit, and may from time to time repair, alter, enlarge, and improve the same, and the Local Board may at any time, at their discretion, allow the use of such buildings respectively on such terms and conditions as they think fit, and all the expense from time to time incurred by the Local Board in repairing, maintaining, or improving such buildings, and the interest on any moneys borrowed for the purposes of this section, shall be paid out of the general district rate.

Power to erect public hall, &c.

VII.—AS TO OFFENCES, &c.

36. Every person who to the annoyance of the residents or passengers in any street shall use any profane, abusive, scandalous, or obscene language, or who shall write or describe any profane, obscene, or indecent language or figure on, or who injures, marks, or defaces or commits any nuisance upon or about any building, wall, hoarding, fence, door, gate, or post, every person who against the consent of the owner or occupier thereof shall affix any bill or other paper to or against any building, wall, hoarding, fence, door, gate, or post, and every person who, after public notice given by the clerk to the Local Board by placards posted in the town directing dogs to be confined, suffers any dog to be at large during the time specified in such notice, shall for every such offence be

Penalties for certain offences.

A.D. 1879. liable to a penalty not exceeding forty shillings, and in default of payment to be imprisoned for any period not exceeding fourteen days.

Stray dogs. **37.** Any constable or other officer may take possession of any dog found straying on any street or highway and not under the control of any person, and may detain such dog for twenty-four hours at a police station, and during that time it shall be properly fed; and if at the expiration of that time such dog be not claimed, and all expenses incurred by its detention paid, the same may be sold or destroyed.

Street musicians to depart when required to do so. **38.** Any householder, personally or by his servant, or by any constable, may require any street musician or singer to depart from the neighbourhood of the house of such householder; and every person who shall sound or play upon any musical instrument or sing in any street near or within hearing of such house after being so required to depart shall be liable to a penalty not exceeding forty shillings.

Smoke or steam. **39.** Any person who shall in any public street or road discharge any smoke or steam from any building (otherwise than from the top thereof) into any street shall for every such offence be liable to a penalty not exceeding forty shillings, and in default of payment to be imprisoned for any term not exceeding fourteen days.

For preventing nuisance from smoke, &c. **40.** All chimneys already or hereafter erected for carrying any smoke from the furnace of any mill, factory, brewery, sizing-house, gasworks, corn-mill, or foundry, or for the conveying away of any noisome or deleterious gases or effluvia from any such buildings, shall be raised to the height of ninety feet at least from the level of the centre of the street nearest thereto; and in all cases where any chimney serves the furnace of a steam engine, the chimney shall be raised to an additional height from such level adapted to the power of such engine, according to the following scale; (that is to say,) if such steam engine be of more than thirty horse power and do not exceed forty horse power, the height of such chimney shall not be less than one hundred feet; and if such steam engine be of more than forty horse power and do not exceed sixty horse power, the height of such chimney shall not be less than one hundred and twenty feet; and if such steam engine be of more than sixty horse power, the height of such chimney shall be not less than one hundred and fifty feet: Provided always, that if any chimney erected before the passing of this Act cannot be raised in accordance with the provisions of this section without being taken down and rebuilt, any additional expense occasioned thereby shall be paid by the Local Board; and any dispute as to the necessity

for such taking down and rebuilding, or as to the additional expense occasioned thereby, shall be settled by arbitration in the manner provided by the Public Health Act, 1875.

The expression "horse power" shall for the purposes of this section mean "nominal horse power."

If any chimney for conveying smoke from any such furnace be continued or erected of a less height than ninety feet, or in any case where it serves the furnace of a steam engine of a less height than in accordance with such scale, and the owner thereof fail to raise the same to such height as is by this Act required within six months after the service of a notice in writing from the Local Board requiring him so to do, every person so offending shall for every such offence forfeit not exceeding twenty shillings for every day after the expiration of such six months so long as such failure continues.

Any person appointed by the Local Board may enter in the day-time into any such mill, factory, brewery, sizing-house, gaswork, corn-mill, or foundry, or any part thereof, and may there measure and ascertain by all proper means the height of any such chimney and the power of any such steam engine.

If any person hinder or aid in hindering any person so appointed from entering into any such building or measuring or ascertaining the height of such chimney, or the power of such steam engine, every person so offending shall for every offence forfeit any sum not exceeding five pounds.

41. All powers, rights, and remedies given to the Local Board by this Act, and all offences against the same, shall (except where otherwise expressly provided) be deemed to be and shall be in addition to and not in derogation of any other powers conferred on them or any offences created by Act of Parliament, law, or custom, and the Local Board may exercise such other powers and enforce the provisions of any Act relating to such offences as if this Act had not been passed.

Powers to be cumulative.

42. In time of snow or frost the respective occupiers, or in the case of several occupiers the occupier of the ground floor, of houses and buildings, with the yards, gardens, pleasure grounds, and other appurtenances next adjoining the several streets, lanes, highways, passages, and other public places in the district, the churchwardens and chapelwardens of any church or chapel, the owner of any dead wall or other fence or vacant piece of ground (not used as arable, meadow, or pasture ground only), the trustees, treasurer, and minister of every meeting-house or place of public worship, and the person for the time being the ostensible director or manager of

As to cleansing footways from snow, &c.

A.D. 1879. every hospital, school, theatre, or other public building in the streets, lanes, highways, passages, and other public places in the district, shall cause to be well and sufficiently swept or cleansed from snow and ice the several footways and foot pavements along the whole length of the fronts of the respective houses, buildings, churches and churchyards, chapels and chapelyards, dead walls, vacant pieces of ground, meeting-houses, hospitals, schools, theatres, and other public buildings, tenements, yards, gardens, pleasure grounds, or other hereditaments (except as aforesaid), and to the full extent of the said footways and foot pavements adjoining any part of the same respectively, at such time as shall be ordered by the Local Board, and if any such occupier or other person make default in any of the cases aforesaid he shall be liable to a penalty not exceeding ten shillings, in addition to the cost of executing the work, which the surveyor of the Local Board is hereby in such event authorised to cause to be performed.

The Local Board may compound for such time as they think fit with any person liable to sweep or clean any footway for the sweeping and cleansing the same.

Width of courts.

43. No public court or back street within the district of the Local Board shall after the passing of this Act be formed, laid out, or maintained of a less width than fifteen feet.

Every person offending against this section shall forfeit and pay for every such offence a penalty not exceeding five pounds, and a further penalty of not exceeding forty shillings for every day during which such offence continues after written notice from the Local Board :

Provided always, that nothing in this section contained shall extend to or affect any court or back street formed before the passing of this Act : Provided also, that this section shall not apply in any case where the back street is not intended to form the principal approach or means of access to any building, but is intended for use solely as a separate means of access to any premises for the purpose of removing therefrom the contents of the receptacle of any privy, ashpit, or cesspool without carrying such contents through any dwelling-house or public building, or any building in which any person may or may be intended to be employed in any manufacture, trade, or business.

Penalty for injuring gas meters.

44. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipes, meter, or fittings belonging to the Local Board, or alters the index to any meter, or prevents any meter from duly registering the quantity of gas supplied, or fraudulently abstracts, consumes, or uses gas of the Local Board, shall (without prejudice to any other right or remedy

for the protection of the Local Board or the punishment of the offender) for every such offence forfeit and pay to the Local Board a sum not exceeding five pounds, and the Local Board may, in addition thereto, recover the amount of any damage sustained by them; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipes, meter, or fittings belonging to the Local Board, or altered the index to any meter, or prevented any meter from duly registering the quantity of gas supplied, the Local Board may also, until the matter complained of has been remedied, but no longer, discontinue the supply of gas to the person so offending (notwithstanding any contract previously existing), and the existence of artificial means for causing such alteration or prevention, or for abstracting, consuming, or using gas of the Local Board when such meter is under the custody or control of the consumer, shall be *prima facie* evidence that such alteration, prevention, abstraction, or consumption, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

A.D. 1879.

VIII.—RATING.

45. Section 37 of the Act of 1866 is hereby repealed, and the rate or charge which the Local Board shall be entitled to demand for a supply of water for domestic purposes to any dwelling-house or part of a dwelling-house occupied as a separate dwelling shall not exceed eight per centum of the full net annual value of the premises so supplied, ascertained by the valuation list for the time being in force, or, if there is none, by the rate for the relief of the poor made next before the demand for the water rate under this Act: Provided always, that the rates and charges to be demanded by the Local Board in respect of all premises supplied by them with water for domestic purposes shall be at an uniform rate per centum upon such net annual value, and that the Local Board shall not be compelled to furnish a supply of water to the owner or occupier of any such premises for any less sum than threepence per week, and that a supply for domestic purposes shall not include more than one watercloset, and shall not include a bath in any dwelling of which the annual value as aforesaid is less than twenty pounds.

Rates for supply of water.

46. In case the owner or owners of any premises is or are willing to enter into an agreement in writing with the Local Board to become liable to them for the water rates assessed in respect of such premises for any term not being less than one year from the date of such agreement, and to pay the water rates, whether the premises are occupied or not, the Local Board may agree with such owner or owners to receive the water rates from him or them, and to allow

Power to compound for water rates.

A.D. 1879. to him or them a commission not exceeding twenty-five per centum on the amount thereof.

Discounts on rates.

47. The Local Board may from time to time, if they think fit, make an allowance by way of discount not exceeding the rate of ten per centum on the amount due in respect of any rate authorised to be levied by this Act, or any gas or water rents, from any person who pays the same within such time after the demand thereof as the Local Board think fit to prescribe in that behalf.

IX.—FINANCIAL.

Power to borrow.

48. In addition to any other moneys which the Local Board are authorised to borrow, they may from time to time borrow and re-borrow, at interest, on mortgage of their revenue from their waterworks and gasworks and markets, and of the improvement rates, water and gas rates, and general district rates leviable by them, or on any of such securities, either together or separately, such sums as they from time to time think requisite for the purposes of this Act, not exceeding the following; (that is to say,)

For waterworks purposes twenty-five thousand pounds;

For the improvement of the Walverden Water three thousand pounds;

For market purposes, including the purchase money of the lands described in the first part of the First Schedule to this Act, eight thousand pounds;

For the public hall, and offices and buildings connected therewith respectively, including the purchase money of the lands described in the second part of the First Schedule to this Act, eight thousand pounds;

and section 71 of the Act of 1866 shall apply to the moneys by this Act authorised to be borrowed as fully and effectually as if those moneys had formed part of the moneys by that Act authorised to be borrowed.

Arrears may be enforced by appointment of a receiver.

49. The mortgagees of the Local Board under this Act may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of principal the amount owing to the mortgagees by whom the application is made shall not be less in the aggregate than five thousand pounds.

Power to borrow under 38 & 39 Vict. c. 83.

50. The Local Board, if they think fit, in lieu of borrowing and re-borrowing on the security of mortgages as herein-before provided, may borrow and re-borrow the moneys which they are by this Act authorised to borrow, or any part thereof, under the powers and

subject to the provisions of the Local Loans Act, 1875, by means of a loan or loans to be raised by the issue of debentures, debenture stock, or annuity certificates, or partly in one way and partly in another.

A.D. 1879.

Any moneys borrowed or re-borrowed in manner by this section authorised for any of the purposes of this Act may, if the Local Board so think fit, be repaid by means of a sinking fund, and shall be a charge upon and shall be paid out of the revenues and rates on the security of which the same is borrowed, and such revenues and rates respectively shall be the local rate within the meaning and for the purposes of the Local Loans Act, 1875.

51. The powers of borrowing money given by this Act 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 Local Board may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Certain regulations of the Public Health Act as to borrowing not to apply.

52. The Local Board shall pay off all money raised by them under this Act or the Local Loans Act, 1875, within sixty years after the same is borrowed, either by equal annual instalments of principal, or of principal and interest, or by means of a sinking fund appropriated and invested and with the accumulations thereof (if any) from time to time applied for that purpose, but the Local Board shall not be bound to commence the payment off of any such moneys before the eleventh day of June one thousand eight hundred and eighty-six :

Payments by instalments or sinking fund.

And the amounts to be from time to time paid off by instalments or appropriated for a sinking fund shall be such as the Local Government Board shall, having regard to the provisions of this section, approve, and such amounts so appropriated as aforesaid, together with all accumulations thereof, shall from time to time be invested in the purchase of Exchequer bills or Government securities, or other securities in which trustees may from time to time by law invest trust funds.

The Local Board may at any time apply the whole or any part of the sinking fund set apart under this Act in or towards the discharge of the moneys for the repayment of which the fund has been established, provided that they pay into the fund in each year and accumulate until the whole of the moneys borrowed are discharged a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied.

53. The clerk to the Local Board shall, within twenty-one days after the expiration of each year during which any sum is required

Annual return to Local

A.D. 1879. to be set apart for a sinking fund or to be paid off by instalments under this Act, transmit to the Local Government Board a return, in the form prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested or applied for the purpose of such sinking fund during the year next preceding the making of such return, and the description of the securities upon which any investment has been made, and the amount paid off by instalments, and the purposes to which any portion of the sinking fund or the interest thereof has been applied during the same period, and the total amount (if any) remaining invested at the end of the year; and in the event of any wilful default in making such return he shall be liable to a penalty not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Local Board have failed to set apart the sum required for the sinking fund, or to pay any instalment, or have applied any portion of the money set apart for the sinking fund, or of the sums accumulated by way of interest, to any purposes other than those authorised, the Local Government Board may, if they think fit, and after hearing the Local Board, if desirous to be heard, by order direct that a sum not exceeding double the amount in respect of which default has been made shall be paid, set apart, and invested or applied as part of the sinking fund, and that order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

Application of moneys borrowed.

54. All moneys borrowed by the Local Board under this Act shall be applied in payment of their costs, charges, and expenses of and preliminary and incidental to the preparing for, obtaining, and passing of this Act, and to the several purposes of this Act in respect of which the same were respectively borrowed, and to which capital is properly applicable, and to no other purpose.

Separate accounts to be kept.

55. The Local Board shall keep separate accounts in respect of the several purposes to which the moneys borrowed under this Act are applied, and in the accounts kept under this Act and the Act of 1866 respectively shall distinguish capital from revenue.

Audit of accounts.

56. The provisions of section 247 of the Public Health Act, 1875, with respect to the audit of accounts shall apply to and be observed in respect of the accounts kept under the provisions of this Act.

Power to re-borrow.

57. If the Local Board pay off any part of any money borrowed by them under this Act otherwise than by instalments or by means of a sinking fund, they may re-borrow the same, and so from time to time: Provided always, that all moneys so re-borrowed

shall be repaid within the same time as the moneys originally borrowed were required to be repaid: Provided also, that the moneys originally borrowed, and any amounts from time to time re-borrowed under the foregoing provisions of this section for the repayment of such moneys, shall for the purposes of sections 14 and 15 of the Local Loans Act, 1875, be deemed to form the same loan, and the obligations of the Local Board with respect to the sinking fund to be set aside in respect of such moneys, save as herein-after provided with respect to the appropriation and application of a fixed annual sum for the repayment of such moneys, shall not be in any way affected by reason of such re-borrowing: Provided also, that if the Local Board elect to pay off any moneys borrowed by them under this Act by the appropriation of an annual sum as provided by section 14 of the Local Loans Act, 1875, and if any moneys in respect of which the annual sum is appropriated are paid off by means of moneys re-borrowed at a different rate of interest than that payable on the moneys paid off by means of such re-borrowing, then the annual sum shall be reduced or, as the case may be, increased by the subtraction therefrom or addition thereto of a sum equivalent to the decrease or increase of the interest payable by the Local Board in consequence of such repayment and re-borrowing.

58. A lender of money to the Local Board under this Act shall not be bound or entitled to inquire respecting the observance by them of any provision of this Act, or be bound to see to the application or be answerable for misapplication or non-application of money lent by him.

Protection to lenders.

59. If any money is payable under this Act to or for the benefit of a person being an infant or person of unsound mind, so found by inquisition, the receipt of the guardian or committee of his estate shall be a discharge to the Local Board for the same.

Receipts of guardians, &c.

X.—MISCELLANEOUS.

60. The provisions of the Public Health Act, 1875, with respect to notices, orders, and other such documents, and the authentication and service thereof, shall, except where otherwise expressly provided, apply to notices, orders, and other such documents under this Act.

Form and service, &c. of notice by Local Board.

61. Nothing in this Act shall exempt the Local Board from the provisions of any general Act passed or to be passed for the improvement of the sanitary condition of towns or the abatement of nuisances.

Saving for general Acts.

A.D. 1879.

—
Saving for
action, &c.

Application
of penalties.

62. Nothing in this Act shall exempt the Local Board from any indictment, suit, action, or other proceeding at law or in equity in respect of any nuisance caused by them.

63. Every penalty imposed by this Act shall be recoverable in a summary manner, and sections 251 and 252 of the Public Health Act, 1875, shall extend and apply to the recovery thereof, and such penalty shall (except where the Local Board is the party by whom the penalty is to be paid) belong to the Local Board, and shall be paid to the treasurer of the Local Board, and shall be carried by him to the credit of the district fund.

Contents of
summons,
&c.

64. Any summons or warrant issued for any purpose of this Act may contain in the body thereof or in a schedule thereto several names and several sums.

Costs of
distress.

65. Any justice who issues a warrant of distress for any purpose of this Act may order that the costs of recovery of the money to be levied be paid by the person liable to pay such money, and in that case such costs shall be ascertained by the justice, and shall be included in the warrant of distress.

Judges, &c.
not disquali-
fied.

66. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any water rent, gas rent, meter rent, or other charge payable to the Local Board, or by reason of his being a member of the Local Board.

Expenses
of Act.

67. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the Local Board in the first instance out of the district fund and general district rate, and ultimately out of money borrowed under and subject to the provisions of this Act, and such costs shall include the costs of and incidental to complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter ninety-one, with respect to the Bill for this Act, and all matters relating thereto, as taxed by the taxing officer of the House of Lords or of the House of Commons, and shall be debited to such accounts and in such proportion as the Local Board shall think fit.

The SCHEDULES referred to in the foregoing Act.

A.D. 1879.

FIRST SCHEDULE.

PART I.

MARKET LANDS.

All that plot, piece, or parcel of land situate within the district of Nelson in the county of Lancaster, bounded on or towards the north by Wellington Street, measuring on that side two hundred and twenty-eight feet eight inches, or thereabouts; on or towards the south by Nelson Street, measuring on that side two hundred and forty-four feet two inches, or thereabouts; on or towards the west by Every Street, measuring on that side one hundred and five feet six inches, or thereabouts; and on or towards the east by land intended to form the easterly half part of a back street there, measuring on that side one hundred and six feet six inches, or thereabouts; containing in the whole by admeasurement two thousand seven hundred and sixty-eight square yards, or thereabouts.

PART II.

LANDS FOR PUBLIC HALL, &c.

Firstly, all that plot of land situate within the district of Nelson in the county of Lancaster, bounded on or towards the north-east by Nelson Street, measuring on that side one hundred and seventeen feet six inches, or thereabouts; on or towards the north-west partly by property belonging or reputed to belong to the trustees of the Wesleyan Methodist Chapel in Nelson aforesaid, and partly by the plot of land secondly herein-after described, measuring on that side one hundred and forty-two feet, or thereabouts; on or towards the south or south-west partly by property belonging or reputed to belong to the said trustees, and partly by land belonging or reputed to belong to Thomas Edward Every-Clayton, measuring on that side one hundred and twenty-two feet or thereabouts; and on or towards the east or south-east by property belonging or reputed to belong to Eleazar Manley, and measuring on that side one hundred and seventy-three feet, or thereabouts; and containing in the whole by admeasurement two thousand and forty-seven and a half square yards, or thereabouts. Secondly, all that plot of land situate within the district of Nelson aforesaid, bounded on or towards the north-east by Nelson Street aforesaid, measuring on that side one hundred and thirty-five feet six inches, or thereabouts; on or towards the north-west by property belonging or reputed

A.D. 1879. to belong to the said Thomas Edward Every-Clayton, measuring on that side sixty-four feet six inches, or thereabouts; on or towards the south or south-west by property belonging or reputed to belong to the said trustees, measuring on that side one hundred and twenty feet, or thereabouts; and on or towards the east or south-east by the plot of land herein-before firstly described, and measuring on that side sixty-four feet, or thereabouts; and containing in the whole by admeasurement nine hundred and eight square yards, or thereabouts.

SECOND SCHEDULE.

MARKET TOLLS.

VEGETABLE AND OTHER STALLS.

To be paid by the occupier of every stall raised above the ground for the sale of vegetables, poultry, or other commodities, according to the size, dimensions, and position of the stall, namely, for every lineal foot of frontage thereof, and so in proportion for less than a foot.

	£	s.	d.
If let by the year, any yearly sum not exceeding	-	-	1 0 0
If let by the half year, any half-yearly sum not exceeding	-	0	12 0
If let by the quarter, any quarterly sum not exceeding	-	0	7 6
If let by the week, any weekly sum not exceeding	-	0	0 8
If otherwise let or occupied, for every market day or other lawful day, any daily sum not exceeding	-	-	0 0 3

FOR SPACES USED FOR GENERAL MARKET PURPOSES.

Ground Space.

To be paid by the occupier of every compartment or space on the surface of the ground, according to the area and position of the same, used or occupied for the sale of hay, straw, or other articles, for every superficial square foot or fraction of a superficial square foot thereof.

	£	s.	d.
If let by the year, any yearly sum not exceeding	-	0	6 0
If let by the half year, any half-yearly sum not exceeding	-	0	3 6
If let by the quarter, any quarterly sum not exceeding	-	0	2 0
If let by the week, any weekly sum not exceeding	-	0	0 3
If otherwise let or occupied, for every market day or other lawful day, any daily sum not exceeding	-	0	0 2
For every superficial foot of ground used or occupied by persons for selling or offering for sale any cabbage or other plants, trees, or shrubs, or for any other purpose not herein-before provided for, for any space of time not exceeding one day	-	0	0 1

GENERAL.

	£	s.	d.
For articles carried about for sale, each person so carrying or selling - - - - -	0	0	3
For every basket, hamper, or thing in the market or place adjacent thereto containing vegetables or fruit, for every foot in length for each day - - - - -	0	0	1
For every sack or bag of vegetables or fruit placed in the market, or at any place adjacent thereto, for each day - - - - -	0	0	3
For articles not specifically charged, placed on a table or stand, the following sums; namely,			
For every square yard or fraction of a square yard, for each day -	0	0	6
For articles in a tub or cask capable of containing not more than 3 bushels - - - - -	0	0	4
For articles in a tub or cask containing more than 3 bushels -	0	0	6
For articles of any description not herein-before charged, each article - - - - -	0	0	2

PLACES OF AMUSEMENT.

For every show, caravan, exhibition, booth, tent, theatre, swing, roundabout, rifle gallery, stall, stand, or other place or means of amusement or entertainment, such sum as the Corporation may determine, according to the nature of the exhibition, and the extent and position of the space occupied by it.

TOLLS FOR WEIGHING GOODS, &c.

	£	s.	d.
For every quantity of anything weighed, not exceeding 56 lbs. avoirdupois - - - - -	0	0	0½
For every quantity of anything weighed more than 56 lbs. avoirdupois and not exceeding 112 lbs. - - - - -	0	0	1
For every 112 lbs. or fractional part of 112 lbs. over and above the first 112 lbs. - - - - -	0	0	0½
For every ticket, if demanded, denoting the weight of any goods weighed, each ticket - - - - -	0	0	0½

PUBLIC WEIGHING MACHINE.

Tolls for weighing Waggon, Carts, and Carriages.

For every cart or other carriage, the loading whereof does not exceed three tons - - - - -	0	0	2
For every cart or other carriage, the loading whereof exceeds three tons but does not exceed four tons - - - - -	0	0	4
For every cart, waggon, or other carriage, the loading whereof exceeds four tons - - - - -	0	0	6

