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This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1870 edition. Excerpt: ...shall be ascertained according to the provisions in that behalf of the Lands Clauses Consolidation Act, 1845." Another Act, the General Act, has been read to me for another purpose. I observed that there were some clauses in that Act which threw a great light upon the matter. The Towns Improvement Clauses Act is incorporated in this Act; and there, where property is not taken permanently, exactly the same thing is done--namely, the commissioners are authorized to make sewers through the street and through cellars, making compensation to the person through whose lands they are taken. They are not obliged to buy or take the land for that purpose, but they are simply obliged to make compensation, treating the thing not as the acquisition of land or the purchase of land, but as an easement given for certain public purposes. I am of opinion, therefore, that upon that part of the case, which is at least one full half of it, the Plaintiffs have failed. Upon the other part of the case they have succeeded upon a strict legal right, which they are entitled to come here and have enforced, and which, probably, it would be for the benefit of the town of Rochdale to have declared now. They have succeeded in having it declared that the Defendants must not go beyond the limits of the powers contained in their Act of Parliament. As to one half they have succeeded, and as to the other half they have failed. There will be that modified injunction which I have indicated; and setting off the one half against the other, there will be no costs of the suit on either side. That part of the bill which relates to the relief as to the Town V.-C. J. Mill Weir will be dismissed. 1870 Molt Solicitors for the Plaintiffs: Messrs. Bdfraige & Middleion, «....

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